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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	76293327
Applicant	Prema Jyothi Light
Applied for Mark	SHIMMERING RAINFOREST
Correspondence Address	PREMA JYOTHI LIGHT 12000 E 16TH AVE. #301 AURORA, CO 80010 UNITED STATES gloriously@india.com, gloriously@in.com, premajyothilight@shimmeringly.com
Submission	76293327 MOTION FOR CORRECTIONS TO THE RECORD
Attachments	76293327 SHRF MOTION FOR CORRECTIONS TO THE RECORD.pdf(5882399 bytes )
Filer's Name	PREMA JYOTHI LIGHT
Filer's e-mail	gloriously@india.com, premajyothilight@shimmeringly.com, premajyothilight@love4truth.com
Signature	/ prema jyothi light /
Date	10/08/2013

**In The United States Patent & Trademark Office  
Before the Trademark Trial & Appeal Board**

NAME OF APPLICANT: Prema Jyothi Light

NAME OF TRADEMARK: SHIMMERING RAINFOREST

SERIAL NUMBER: 76293327

FILING DATE: First filed July 9, 2001, later refiled July 31, 2001

DATE OF THIS DOCUMENT: September 21, 2013

EXAMINING ATTORNEY: Linda Lavache, Esq., Law Office 106

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**MOTION FOR CORRECTIONS TO THE RECORD**

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**I. Introduction.**

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On page 1 of the APPEAL BRIEF, under the heading DESCRIPTION OF THE RECORD, Applicant stated that this case was being submitted on the Record which is on file with the USPTO.

However, Applicant Light has discovered at least FIFTY (50) serious Document Mishandling Incidents with regard to the Record for this case, and FIFTY-TWO (52) serious Document Mishandling Incidents with regard to the Record for SHIMMERING BALLERINAS & DANCERS, for a total of ONE HUNDRED & TWO (102) such Incidents for the two cases combined.

She therefore formally moves for the following specific Corrections to the Record. This is necessary so that the Judges can properly evaluate this case, and is also needed for the sake of the accuracy, truthfulness and completeness of the Documents on Record. There has been some flagrant mishandling of documents in this case by USPTO staff, especially in the handling of Specimens and attachments to documents. This all needs to be set straight as promptly as possible. TTAB Judges are asked to review the following Document Mishandling Incidents, and make Corrections to the Record accordingly.

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### **III. Supporting PDFs List**

(Normally, these would be attached to this MOTION for online filing with the TTAB.

But, given the document handling history herein, which includes egregious Document Mishandling, these are being separately filed so that each PDF has a separate document tracking number and receipt.)

**Pdf # 01:** Complete “Triple-Shimmering Playbook”, bumper to bumper, in one PDF, including:

- 1) The color Cover Sheet for Specimen #5 on letterhead, as shown in TSDR Documents # 020 & # 021, currently dated 02-10-04 in the TSDR Online Records, as filed with the attached Playbook Specimen on July 9, 2001, and refiled with the same attached Specimen on July 31, 2001;
- 2) The color Covers of the Playbook, with USPTO stickers on them, for all three Trademarks (SHIMMERING RAINFOREST, SHIMMERING BALLERINAS & DANCERS, and SHIMMERING BREEZES);
- 3) The Title Page and page on the other side of the Title Page, as shown in TSDR Documents # 020 & # 021, currently dated 02-10-04 in the TSDR Online Records;
- 4) The entire 97 pages of the Playbook, in color [this page count includes two introductory pages];
- 5) This includes pages 01 through 83, as shown in as shown in TSDR Documents # 020 & # 021, currently dated 02-10-04 in the TSDR Online Records; and
- 6) The TWELVE (12) PAGES ditched from the color scans, pages 84-95, in TSDR Documents # 020 & # 021. Many of these ditched pages were scanned into the Playbook Specimen pages for SHIMMERING BALLERINAS & DANCERS, TSDR Document # 020, dated 02-10-04, although there were FIFTEEN (15) pages ditched from that scan too; but luckily most are contained in the Playbook color scans dated 02-10-04, in the Records for SHIMMERING BREEZES, Serial Number 76293325, TSDR Document #022, which only had FOUR (4) ditched pages (pages 48, 49, 68, 69) (the same Playbook, containing all the pages, was filed as a Specimen, at the same time on the same days, for all three Trademarks);

This Playbook Specimen needs to be all together, in one PDF, in the earlier, as well as later, case Records.

**Pdf # 02:** The REQUEST FOR EXTENSION OF TIME, attached to Plaintiff’s “Voluntary Amendment”, TSDR Document # 071, titled by USPTO staff as “Preliminary Amendment”, dated 05-29-12. This attached PDF was ditched by USPTO staff. (See Document Mishandling Incident # 028). This should be reinstated to the Record.

**PDF # 03:** The color letterhead Cover Sheet for Specimen #1, filed as a paper document but ditched from the online Records (See Document Mishandling Incident # 011). This should be reinstated to the Record.

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#### **IV. How TSDR & TTAB Documents are numbered in this MOTION.**

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The case documents on TSDR used to be numbered from the beginning forward, but now are numbered from the most recent back, so that the document numbers are continually changing every time a new document is added. This makes it hard to properly refer to them.

For the sake of simplicity and constancy, all document numbers in this MOTION are numbered from the beginning, or earliest date, forward chronologically. That is, the first Document listed in TSDR online for the case is referred to herein as TSDR Document #001, and the 20th document from the beginning is referred to herein as TSDR Document #020. These Documents in TSDR also have dates associated with them.


For added clarity, the Current TSDR and TTAB Directories have been included in this MOTION. In the TSDR Directory, the Document numbers, as referred to in this MOTION, have been added to the left of each Document.

In the TTAB Directory, each Document is already numbered from the beginning forward.

This way, the Judges and others can easily locate any Documents referred to in this MOTION, even if Documents are added later, or corrections are made to the Records, as requested in this MOTION.

The Current TSDR Directory of Documents and the Current TTAB Directory of Documents, are hereby included for your reference, as follows.

**V. Current TSDR Directory of Documents  
For “SHIMMERING RAINFOREST”, Page 1 of 3**



**United States Patent and Trademark Office**  
 An Agency of the Department of Commerce

**Trademark Status and Document Retrieval**

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Select All <input type="checkbox"/>	Create/Mail Date	Document Description	Document Type
TSDR Doc. 016	Feb. 07, 2004	E-Mail Incoming	TIFF
TSDR Doc. 015	Aug. 08, 2003	Offc Action Outgoing	TIFF
TSDR Doc. 014	Aug. 06, 2003	Offc Action Outgoing	XML
TSDR Doc. 013	Mar. 07, 2003	E-Mail Incoming	MULTI
TSDR Doc. 012	Mar. 06, 2003	E-Mail Incoming	TIFF
TSDR Doc. 011	Feb. 14, 2003	Offc Action Outgoing	TIFF
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TSDR Doc. 009	Dec. 05, 2002	Paper Correspondence Incoming	TIFF
TSDR Doc. 008	Dec. 05, 2002	Response to Office Action	TIFF
TSDR Doc. 007	Jun. 26, 2002	Priority Action	TIFF
TSDR Doc. 006	Aug. 03, 2001	Unclassified-Other	TIFF
TSDR Doc. 005	Jul. 31, 2001	Duplicate Application	TIFF
TSDR Doc. 004	Jul. 09, 2001	Application	TIFF
TSDR Doc. 003	Jul. 09, 2001	Drawing	MULTI
TSDR Doc. 002	Jul. 09, 2001	Drawing Original Restored	JPEG
TSDR Doc. 001	Jul. 09, 2001	Specimen	TIFF

## V. Current TSDR Directory of Documents For “SHIMMERING RAINFOREST”, Page 2 of 3

TSDR Doc. 053	Jan. 28, 2010	Reconsideration Letter	XML
TSDR Doc. 052	Dec. 17, 2009	Amendment and Mail Process Complete	MULTI
TSDR Doc. 051	Dec. 15, 2009	Change of Address	XML
TSDR Doc. 050	Dec. 15, 2009	Teas Change of Owner Address	XML
TSDR Doc. 049	Dec. 15, 2009	TEAS Request Reconsideration after FOA	MULTI
TSDR Doc. 048	Jun. 15, 2009	Offc Action Outgoing	XML
TSDR Doc. 047	Mar. 13, 2009	Amendment and Mail Process Complete	MULTI
TSDR Doc. 046	Mar. 12, 2009	Notice Of Revive Application	XML
TSDR Doc. 045	Mar. 12, 2009	TEAS Petition to Revive Abandon Applic	MULTI
TSDR Doc. 044	Feb. 19, 2009	Change of Address	XML
TSDR Doc. 043	Jan. 12, 2009	Notation to File	XML
TSDR Doc. 042	Jan. 12, 2009	Offc Action Outgoing	XML
TSDR Doc. 041	Dec. 18, 2008	Amendment and Mail Process Complete	MULTI
TSDR Doc. 040	Dec. 16, 2008	Response to Office Action	MULTI
TSDR Doc. 039	Dec. 16, 2008	Specimen	JPEG
TSDR Doc. 038	Dec. 09, 2008	Change of Address	XML
TSDR Doc. 037	Jun. 14, 2008	Offc Action Outgoing	XML
TSDR Doc. 036	Jun. 12, 2008	Change of Address	XML
TSDR Doc. 035	Jun. 12, 2008	Teas Change of Owner Address	XML
TSDR Doc. 034	Jan. 14, 2008	Offc Action Outgoing	XML
TSDR Doc. 033	Mar. 13, 2006	XSearch Search Summary	XML
TSDR Doc. 032	Mar. 09, 2006	Notice Of Revive Application	XML
TSDR Doc. 031	Mar. 08, 2006	Fax Incoming	TIFF
TSDR Doc. 030	Feb. 09, 2006	Petition to Revive Notice of Deficiency	XML
TSDR Doc. 029	Jan. 26, 2006	Fax Incoming	TIFF
TSDR Doc. 028	Dec. 29, 2005	Petition to Revive Notice of Deficiency	XML
TSDR Doc. 027	Sep. 23, 2005	Paper Correspondence Incoming	TIFF
TSDR Doc. 026	Jan. 19, 2005	Offc Action Outgoing	XML
TSDR Doc. 025	Oct. 01, 2004	Change of Address	TIFF
TSDR Doc. 024	Oct. 01, 2004	Response to Office Action	XML
TSDR Doc. 023	Jul. 31, 2004	Examiners Amendment	XML
TSDR Doc. 022	Feb. 10, 2004	File Jacket	JPEG
TSDR Doc. 021	Feb. 10, 2004	Specimen	JPEG
TSDR Doc. 020	Feb. 10, 2004	Specimen	JPEG
TSDR Doc. 019	Feb. 10, 2004	XSearch Search Summary	TIFF
TSDR Doc. 018	Feb. 09, 2004	Amended Drawing	TIFF
TSDR Doc. 017	Feb. 09, 2004	E-Mail Incoming	MULTI



## V. Current TSDR Directory of Documents For “SHIMMERING RAINFOREST”, Page 3 of 3

TSDR Doc. 089	Mar. 09, 2013	Amendment and Mail Process Complete	MULTI
TSDR Doc. 088	Mar. 09, 2013	Off Action Outgoing	XML
TSDR Doc. 087	Mar. 09, 2013	XSearch Search Summary	XML
TSDR Doc. 086	Mar. 08, 2013	Notice Of Revive Application	XML
TSDR Doc. 085	Mar. 04, 2013	Response To Petition Deficiency Inquiry	MULTI
TSDR Doc. 084	Feb. 19, 2013	Paper Correspondence Outgoing	TIFF
TSDR Doc. 083	Feb. 07, 2013	Petition to Revive Notice of Deficiency	TIFF
TSDR Doc. 082	Feb. 07, 2013	Response To Petition Deficiency Inquiry	MULTI
TSDR Doc. 081	Feb. 06, 2013	Notation to File	XML
TSDR Doc. 080	Feb. 06, 2013	Petition to Revive Notice of Deficiency	TIFF
TSDR Doc. 079	Feb. 05, 2013	Request for Reinstatement Received	MULTI
TSDR Doc. 078	Feb. 05, 2013	Request for Reinstatement Received	MULTI
TSDR Doc. 077	Jan. 28, 2013	TEAS Petition to Revive Abandon Applic	MULTI
TSDR Doc. 076	Nov. 28, 2012	Amendment and Mail Process Complete	MULTI
TSDR Doc. 075	Nov. 28, 2012	Off Action Outgoing	XML
TSDR Doc. 074	Nov. 27, 2012	Response to Office Action	MULTI
TSDR Doc. 073	Jun. 12, 2012	Amendment and Mail Process Complete	MULTI
TSDR Doc. 072	Jun. 11, 2012	Off Action Outgoing	XML
TSDR Doc. 071	May 29, 2012	Preliminary Amendment	MULTI
TSDR Doc. 070	May 26, 2012	Off Action Outgoing	MULTI
TSDR Doc. 069	May 01, 2012	Amendment and Mail Process Complete	MULTI
TSDR Doc. 068	Apr. 28, 2012	Notation to File	XML
TSDR Doc. 067	Apr. 27, 2012	Notation to File	XML
TSDR Doc. 066	Apr. 25, 2012	Preliminary Amendment	MULTI
TSDR Doc. 065	Apr. 17, 2012	Amended Drawing	JPEG
TSDR Doc. 064	Mar. 30, 2012	Amendment and Mail Process Complete	MULTI
TSDR Doc. 063	Mar. 29, 2012	Response to Office Action	MULTI
TSDR Doc. 062	Sep. 29, 2011	Off Action Outgoing	XML
TSDR Doc. 061	Sep. 20, 2011	Change of Address	XML
TSDR Doc. 060	Sep. 08, 2011	Change of Address	XML
TSDR Doc. 059	Sep. 07, 2011	Change of Address	XML
TSDR Doc. 058	Aug. 25, 2011	Change of Address	XML
TSDR Doc. 057	Aug. 25, 2011	Change of Address	XML
TSDR Doc. 056	Aug. 25, 2011	Teas Change of Owner Address	XML
TSDR Doc. 055	Jun. 09, 2011	Change of Address	XML
TSDR Doc. 054	Sep. 27, 2010	Change of Address	XML

**VI. Current TTAB Directory of Documents  
For “SHIMMERING RAINFOREST”, Page 1 of 3**

**SHIMMERING RAINFOREST, TTAB DIRECTORY, Page 1 of 3**

 <b>United States Patent and Trademark Office</b> 		
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<b>TTABVue. Trademark Trial and Appeal Board Inquiry System</b> <span style="float: right;">v1.5</span>		
<b>Exparte Appeal</b>		
<b>Number:</b> 76293327	<b>Filing Date:</b> 06/21/2013	
<b>Status:</b> Pending	<b>Status Date:</b> 03/21/2013	
<b>Plaintiff</b>		
<b>Name:</b> <a href="#">Prema Jyothi Light</a>		
<b>Correspondence:</b> <a href="#">PREMA JYOTHI LIGHT</a> 12000 E 16TH AVE, #301 AURORA, CO 80010 UNITED STATES <a href="mailto:gloriously@india.com">gloriously@india.com</a> , <a href="mailto:gloriously@in.com">gloriously@in.com</a> , <a href="mailto:premajyothilight@shimmeringly.com">premajyothilight@shimmeringly.com</a>		
<b>Serial #:</b> <a href="#">76293327</a>	<a href="#">Application File</a>	
<b>Application</b> Jurisdiction Restored to Examiner		
<b>Status:</b>		
<b>Mark:</b> SHIMMERING RAINFOREST		
<b>Prosecution History</b>		
<b>#</b>	<b>Date</b>	<b>History Text</b>
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<a href="#">12</a>	08/21/2006	<a href="#">APPLICANTS REQUEST TO EXTEND</a>
<a href="#">11</a>	08/09/2006	<a href="#">APPEAL FORWARDED TO EXAMINER FOR BRIEF</a>
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<a href="#">2</a>	08/18/2005	<a href="#">APPEAL DSMSD: APPLICATION ABANDON</a>
<a href="#">1</a>	08/08/2005	<a href="#">APPEAL TO BOARD</a>
Results as of 07/22/2013 11:54 PM		<b>Search:</b> <input type="text"/>
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**VII. SHIMMERING BALLERINAS & DANCERS and SHIMMERING RAINFOREST  
are still separate Trademark cases.**

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The two related Trademarks, SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS, were consolidated by the TTAB simply for the purpose of moving the cases in tandem through the system, without widely varying due dates. However, they still remain separate Trademarks, and separate Trademark cases. Separate filing fees were paid for each Trademark. Therefore, Applicant is filing separate MOTIONS FOR CORRECTIONS TO THE RECORD for each of the two cases, as the two Trademarks are still different from each other, and registration is sought for each Trademark separately.

This MOTION FOR CORRECTIONS TO THE RECORD covers documents for the Trademark SHIMMERING RAINFOREST. A separate MOTION FOR CORRECTIONS TO THE RECORD is being concurrently filed for SHIMMERING BALLERINAS & DANCERS.

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**VIII. Possible Motives for Some of the Document Mishandling.**

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What possible motives could there be for so much Document Mishandling? What was done to the Specimens in this case gives rise to questions about motives which could involve the theft of intellectual properties.

Sometimes people who work in jewelry stores are tempted to swipe the jewelry which they are handling all the time. Similarly, people who often handle the creative works of others may be tempted to try to swipe them also. However, this is wrong, because it harms the people whom they are supposed to be serving, and it is the opposite of what they are supposed to be doing.

People working in the USPTO may be tempted to “steal” characters, ideas or illustrations for creative work they are doing “on the side”, or want to “give” these things as gifts to their friends to develop. Or, in their personal lives, they may know someone who is already plagiarizing another author or illustrator’s work.

They may therefore want to “throw” any upcoming legal cases into their friends’ laps, to their friends’ benefit, by damaging the source author or illustrator’s work or credibility in some way. Or, religious or racial prejudice could be a motive.

In the present case, Applicant Light has been the victim of a religious vendetta, because -- in addition to being Jewish -- she follows a fantastic Guru from India, the very beloved, very saintly, and very beautiful Sri Swami Satchidanandaji Maharaj. Religious prejudice has been one motive for the attempts by others in her area to threaten and harm her.

Some of her storybook characters are latino, and she has been the victim of some violence by latinos in her neighborhood who say she has “no right” to have latino characters if she is not a latina herself! And that they therefore have the “right” to snatch her latino characters for themselves.

They do not understand.

Ms. Light, in harmony with her beloved Guru’s teachings, has a multi-racial and multi-religious cast of storybook characters. She has been hoping to contribute to world peace and harmony, by showing all of these different characters getting along beautifully together.

Keep in mind that Applicant Light is an unrepresented, *pro se* applicant, and an author and illustrator, and may therefore seem more easily rip-off-able than a larger company or firm.

People turn to the USPTO to help them with Trademark protection for their creative works. It is very sad if people, working in positions of trust, who are supposed to be helping illustrators and writers protect their works, plunder them instead.

Take a look at the following instances of egregious Document Mishandling (more fully described in the following Incidents, but touched upon here):

Specimen #1 for this Trademark Application was filed as a paper Specimen, in person, at USPTO headquarters in Virginia. Yet, it was “missing” from the earlier online TSDR Records for this case. The title of this Specimen was “The Saga of Soggy, The Rainforest Froggy”. Soggy has been one of Ms. Lights popular little

storybook characters for decades. Hmmm, where did this Specimen go? It didn't hop away by itself!

Specimen #5 for this Trademark Application, also filed as a paper Specimen, in person, at USPTO headquarters in Virginia, also was completely "missing" from the earlier online TSDR Records for this case. It is titled, for short, "Triple-Shimmering Playbook". This was not a tiny retail tag -- it was a 97-page book, including introductory pages.

Specimen #4 for this Trademark Application, also filed as a paper Specimen, in person, at USPTO headquarters in Virginia, also went completely "missing" from the earlier online TSDR Records for this case. It was a poetic work, with flowery illustrations on the cover, titled, "Shimmering Breezes of Love & Light".

Ms. Light did not notice what was happening with the online TSDR Records for this case right away, as she was not regularly online herself at the time, or checking the online Records. She was filing everything with the USPTO as paper documents, and never even thought that anyone would be guilty of graft at the USPTO.

Three out of five original Specimens for the case -- missing? Why?

These finally reappeared in the online Records on 02-10-04, over two and a half years after they were filed, in TSDR Documents # 020 and # 021, in color, without explanation. This was probably at the instruction of Examining Attorney Gast, when he noticed that some of the Specimens were completely missing from the online Records, and that other Specimens had been very badly scanned into the Record. He had received all five Specimens from the beginning.

But, he apparently didn't notice that whoever scanned the "Triple-Shimmering Playbook" back into the Record, on 02-10-04, simply "dropped off" the last TWELVE PAGES of the Playbook. What did these contain? Eight of the twelve missing pages pertained to -- little Soggy The Froggy.

This could be beyond coincidence. There is a certain "frogginess" to these missing pages & specimen.

Please take a look at the eight "Froggy" pages which were "dropped off" of the online scans for this Specimen (see Images # 06, # 07, # 08 and # 09), and compare them with Image # 05 for the missing Specimen #1. These are all clearly the same character. And, someone went to the trouble of trying to "ditch" all of the

pages related to this cute little froggy character.

Like the person working in the jewelry store, who is slipping rings and bracelets into his pocket, someone in the USPTO must have tried to slip this little froggy character into his or her pocket, but -- this is not at all fair, either to the poor little froggy character, or its mother, Applicant Light.

So -- y'all need to put Ms. Light's little froggies back into the USPTO Records! The missing pages need to be reinstated into the Record.

Another set of Document Mishandling pertains to another popular set of Applicant Light's storybook characters, the Wind-Harp Butterflies. This, too, is beyond coincidence.

Specimen #2 for this Trademark Application, featuring Applicant Light's Wind-Harp Butterfly characters, was blackened so badly, by someone in the USPTO, in uploading the image into TSDR, that the colorful little butterflies are blackened almost beyond recognition (see Image # 21). Someone would have had to work very hard to achieve this effect, as this is way beyond a normal grayscale image, at normal settings (see Image # 23). This was filed over the counter as a paper document, along with Ms. Light's other Specimens.

What was on the cover of the "missing" Playbook? Wind-Harp Butterflies (see Image # 06). In the related case for the sister Trademark, SHIMMERING BALLERINAS & DANCERS, Specimens featuring the Wind-Harp Butterflies were badly blackened also.

A few more bracelets and necklaces slipping into someone's pockets? Who did the Wind-Harp Butterflies go to?

Then, look at the blackening of the colorful little parrot characters in Specimen #3 for this Trademark Application (see Image # 25 herein). Someone went to the trouble of completely OBLITERATING anything recognizable about the parrot characters. (See Images # 26 & # 27 for the original color Specimen, and also what a normal grayscale image of the Specimen cover would look like.) These are cute little characters, and popular characters, of Ms. Light's! This kind of blackening of the image could not have taken place in one pass. Someone would have had to black it to the max on several passes to get it this dark!

Who did the little parrot characters go to?

Was someone also trying to “steal” “Shimmering Breezes of Love & Light”? The entire Specimen # 4, with this title, went “missing” from the Records, at the same time as the missing Specimen for Soggy The Froggy, and the missing Specimen Playbook, with Wind-Harp Butterflies on the cover. “Shimmering Breezes of Love & Light” has been a repeated theme, and a series name, in Applicant Light’s works, for over a decade, partly because her name, “Prema Jyothi”, means “Love & Light” in Sanskrit.

The other four pages missing from the Playbook, when the TWELVE (12) pages were dropped off of the Playbook in TSDR Documents #20 and #21, featured “Sylvia Shimmerglow”, the “Twippapotamoes” (another popular set of Applicant Light’s storybook characters, who are little SHIMMERING RAINFOREST hippos), and Snowflake Cutting patterns.

Necklaces, brooches -- how about earrings? Who did “shimmerglowing”, “twippapotamoes”, and the “snowflake-cutting” patterns go to?

A fair question arises: was someone trying to eliminate or damage the portrayal of an Applicant’s storybook characters, in her Specimens, so there would not be a clear Record of these documents or images, on file with the USPTO?

So what happens when the people at the USPTO, a governmental agency, who are supposed to be protecting authors and illustrators, victimize them instead? Or try to harm authors or illustrators, instead of giving their Trademarks, applications, documents and images normal, decent handling? This would be serious wrongdoing on the part of these USPTO employees.

Some of this serious Document Mishandling may be motivated by a desire, of some people working inside the USPTO, to take credit for someone else’s creative works, or possibly for monetary gain. This would be theft of intellectual property, or their part, while working for the main federal agency, in the blessed United States of America, responsible for granting Trademarks to help authors and illustrators defend against theft of intellectual property. This is the exact opposite of what these people are supposed to be doing.

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## **IX. Categories of Document Mishandling which have occurred in this case.**

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The original documents and images submitted, as paper documents early in the case, followed by others submitted electronically, were all carefully and beautifully done – crisp, clear, readable, and with good color in the images. Yet these documents and images have been mangled, blackened, blurred, chopped up, pages have been removed from Specimens, attachments have been removed from filings, and entire documents have been misplaced on the online Record, put under wrong dates, and even been completely ditched, by staff members at the USPTO.

Case documents which were filed on the Record, have been wrongfully removed from the Record. Large chunks of documents have just been “dropped off”, such as part of the Triple-Shimmering Playbook Specimen, which was filed at the beginning of the case, but “left off” of the Record until TSDR Documents #020 and #021, dated over two years after the Specimens were filed as paper documents. Even then, someone entrusted with placing them back on the Record, just “dropped off” a chunk of TWELVE PAGES at the end of the Playbook Specimen. The entire Specimen was missing from the Record for the initial Application, even though this Specimen was filed, in person, on 07-09-01; it was also missing from the Record for the refiled Application, which included this Specimen, on 07-31-01.

Documents have been taken out of correct chronological sequence, by someone on the USPTO staff, and placed randomly out of order with incorrect dates. Documents from a later timeframe in the case have been thrown onto the beginning of the case Record, and mislabeled as if they were earlier documents.

Documents have been “converted” in a bad way, chopping them in half vertically and then swapping sides for the halves, which makes them completely unreadable. Then, the links for the original documents have been “broken” so that anyone consulting the Record cannot click on the original documents. Then neither the original pdfs nor the “converted” pages of the documents can be read by anyone wishing to review the case.

Documents on the Record have been mislabeled, so that someone searching for specific documents could not find them from the titles. In addition, clicking on some “titles” in the Record produces documents different than the titles indicate.

USPTO staff members have uploaded some documents into the system two or three times, when they were only filed once. Some versions of these multiple uploads were done in a truly terrible way by USPTO staff. Then, they have left all versions on the Record, with the obvious intention of deleting the better uploads later, and leaving the terrible, badly-done uploads on the Record, instead of the “better” ones.

The bad, wrongfully done uploads should be completely removed from the Record.

These bad uploads are simply a “record” of USPTO staff mishandling of case documents. There is no purpose to leaving them there, if the employees have no intentions of wrongfully tampering with the Records again later.

Specimens and Drawings have been buried in the Record, without titles, so that they are hard to find.

Documents which have been carefully and successfully attached to case documents electronically have been removed, with staff members later claiming that nothing was attached.

**The system lets the Applicants know when documents have been successfully attached.** It is a breach of trust to “detach” documents which have been successfully attached, and later claim that they were not attached. Applicant Light now image-captures each and every step of every filing, with the USPTO.

After reviewing all of the mishandling listed in this MOTION, the TTAB Judges, and others in the legal community, are asked to evaluate the way these documents have been handled by USPTO staff. Is this kind of mishandling usual for the USPTO? Aren’t standards for on-the-job performance higher than this? One somehow expects more from the United States Patent and Trademark Office. However, at least all of this mishandling should promptly be set straight.

This listing is not comprehensive -- there are other problems in the handling of documents on the Record. However, all of these listed Document Mishandling Incidents can be corrected, if the staff is so directed.

Why have USPTO staff members done these things? It may be that, in their personal lives, they want to develop some of the creative works that cross their desks, or throw some of these to friends of theirs outside of the USPTO. Or, they may happen to know some of the people who have been wrongfully plagiarizing this Applicant's creative works, and therefore want to "throw" the Applicant's Trademark cases, by mishandling case documents. None of this would be at all ethical. This would be a clear breach of trust on the job.

The TTAB is asked to review these Incidents, and direct the staff to correct all of these things promptly.

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**X. Each instance of Document Mishandling by the USPTO is numbered as an Incident.**

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This MOTION lists a total of FIFTY (50) Incidents of Document Mishandling for the SHIMMERING RAINFOREST Trademark alone, listed in this MOTION FOR CORRECTIONS. In a separate MOTION, there are FIFTY-TWO (52) Incidents of mishandling listed for the Trademark SHIMMERING BALLERINAS & DANCERS. So, for the two Trademarks together, this is a cumulative total of ONE HUNDRED & TWO (102) Document Mishandling Incidents, by the USPTO, in a mere two Trademark cases.

If this normal for the USPTO, then you should probably fire everyone and re-staff from the ground up!

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**XI. Document Mishandling Incidents.**

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**Incident # 01.**

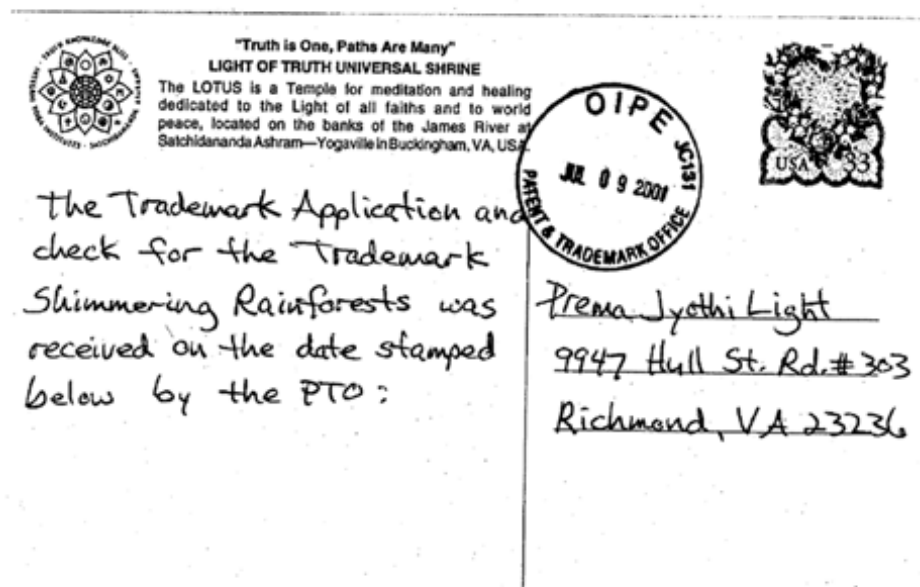
Applicant originally hand-delivered her Application, with Specimens, to the USPTO on July 9, 2001. She filed these as paper documents, making a 12-hour roundtrip drive from her residence in Virginia to the USPTO and back again, just to hand her Application, with the check for the filing fee, and all of the colorful paper Specimens, over the counter to USPTO staff members, to be assured of proper filing, and the earliest possible filing dates. Not just one, but three official USPTO representatives checked over her Application, Specimens, and check for payment of the filing fee, in person at the window, reviewing all of these for accuracy,



completeness, and acceptability, before accepting her Application, and literally giving her entire Application their stamp of approval (see postcard below), before Applicant began the long six-hour drive back home. (The stamped postcard below can be found in TSDR Document # 005, which someone titled “Duplicate Application”, although this was included with her Original Application, with the USPTO date stamp of July 9, 2001, acknowledging receipt and acceptance of the Application and Specimens, and specifically including their approval of her check for the filing fee, on this date, in person, at USPTO offices in Arlington, Virginia.

Please also see the DELIVERY CONFIRMATION CERTIFICATE, in TSDR Document # 005, signed and dated July 9, 2001, stating that the Application is “HAND-DELIVERED TO AND DEPOSITED DIRECTLY WITH THE U.S. PATENT & TRADEMARK OFFICE” on July 9, 2001.

**Image # 01 – Postcard with USPTO STAMP approving  
Application Materials & Check for Filing Fee.  
Dated 07-09-01**



These circumstances are also explained in the letter dated July 27, 2001, in TSDR Document # 005. To Applicant Light’s distressed surprise, seventeen days later, all of her materials were thrown back to her by mail, because unknown to her, the filing fee had gone up since the printing of her official Application form, which stated the filing fee as \$245 instead of \$325.

If the USPTO staff members had informed her that the amount had gone up, when they checked over her Application elements, and gave everything their approval, she could have issued a correct check for payment of the new filing fees, on the spot. It was their responsibility, as representatives of the USPTO, receiving, reviewing and approving Applications in person, to review the applicants' checks, and notify them if there was any problem with the amounts.

Upon being informed of this error seventeen days later, Applicant then sent the proper check in by mail, along with all of the original materials, and asked that the earlier filing date be reinstated, as she had trustingly relied upon the USPTO staff members at the window, who should have caught this error, and before giving all of her Application materials their official stamp of approval. This is what they are paid to do. This is a job responsibility. They looked over her check and accepted it. Applicant Light trusted them. Citizens should be able to trust the representatives of the USPTO.

**Incident # 02.**

They also could have called her to inform her of this error and kept her materials on hold. They had her phone number, in seven places on her application (two cover letters, and cover sheets for Specimens). She could have corrected any problem immediately, without delay. Failing to call her, so that this could be immediately corrected, was Document Mishandling Incident #02.

**Incident # 03.**

Waiting seventeen (17) days to get around to informing her of this error, and throwing the whole big packet back to her in the mail, thus causing it to have to be re-delivered back to them later, was Document Mishandling Incident # 03, as this significantly delayed the filing date, later assigned as July 31, 2001. Applicant Light was later informed that this was not at all "usual handling", and it would have been normal to inform her immediately. Applicant Light, in all truth and fairness, is requesting reinstatement of the original filing date.

**Incident # 04.**

TSDR Document #005, listed online in TSDR as being dated 07-31-01, contains a letter dated 05-07-

02 from Paralegal Deborah Mays. This is Document Mishandling Incident #04. Why is a letter, written by a USPTO paralegal on 05-07-02, placed in TSDR with a date of 07-31-01? Since the paralegal's letter is dated 05-07-02, it should have its own listing, since it is a case document, with a date almost ten months after the TSDR listed date. Anyone looking for this letter would not be able to find it.

**Incident # 05.**

In her letter dated 05-07-02, which USPTO staff placed in TSDR Document #005 dated 07-31-01, Paralegal Deborah Mays refused to grant Applicant Light the earlier filing date, which Applicant has always felt was unfair, given the circumstances. Applicant Light still feels that the original filing date should be restored. She therefore asks that this decision be reviewed, and that the earlier filing date of July 9, 2001, be restored, as delay was due to USPTO representatives not properly doing their jobs.

What is the usual procedure for receiving in-person, paper Trademark filings, over the counter, at USPTO headquarters in Virginia? USPTO representatives take them, and review them, before accepting them. It isn't just a drop-box. Why do they review the applications? To let the applicants know if everything is there that they need for their filings. Applicant did a 12-hour, roundtrip drive for this, and received this review and acceptance. The USPTO should accept some responsibility for the decisions of their inside representatives.

**Incident # 06.**

The letter dated 05-07-02 from Paralegal Deborah Mays, in TSDR Document # 005 dated 07-31-01, incorrectly states that a Request to Correct the Filing Date was filed on July 9, 2001. This is not true – Applicant received notification on July 26, 2001, that her Application of July 9, 2001 was being thrown back to her through the mail because no one at the counter, who gave their stamp of approval to her entire Application, had informed her that additional funds were needed to complete the filing fee. So the first request to restore the original filing date was by letter from Applicant Light dated July 27, 2001 (the day after she received notification that additional funds were needed to complete the filing fee), accompanied by a new check.

Actual filing date granted was July 31, 2001, the date of the returned Application materials and Speci-

mens, with new filing fee.

**Incident # 07.**

The foundation for any Trademark case is the Application materials, with accompanying Specimens, but these have not been clearly, accurately, and chronologically placed on the Record for this case at the beginning. Why isn't the Application the first item in the online Records? There is no reason for other items to come first.

Applicant Light's original Application, which was submitted as paper documents, over the counter, in person, at USPTO offices in Arlington, Virginia, included the following:

- 1) Signed Application form with Declaration;
- 2) Cover letter on Applicant's letterhead, dated June 26, 2001;
- 3) Description of Goods;
- 4) Drawing Page;
- 5) Postcard with the USPTO stamp of approval of "The Trademark Application and check" for this Application, dated July 9, 2001;
- 6) Check for the filing fee;
- 7) Express Mail Certificate affirming deposit of the resubmitted Application materials with U.S. Express Mail on July 31, 2001;
- 8) Three copies each of four Specimens, which were clipped to gold-stamped letterhead Cover Sheets; and
- 9) Three copies of the fifth Specimen, the "Triple-Shimmering Playbooks", clipped to gold-stamped letterhead Cover Sheets, with info about these Specimens, which were filed for the three Trademarks ("SHIMMERING RAINFOREST", "SHIMMERING BALLERINAS & DANCERS" & "SHIMMERING BREEZES"), all filed with the USPTO at the same time.

All of this should have been placed at the very beginning of the online case Records.

**Incident # 08.**

As it stands, TSDR Document #004 is titled "Application", but mistakenly just contains the following:

- 1) First a Drawing Page (the Application form should be first);
- 2) Fee record sheet noting the date that the USPTO processed the filing fee payment;
- 3) Description of Goods wrongly stamped “CANCEL”;
- 4) Letter from Applicant Light dated July 27, 2001, explaining why the Application was being resubmitted, and requesting restoration of the original filing date;
- 5) Copy of the postcard with the USPTO stamp of approval dated July 9, 2001, for “The Trademark Application and check” for this Trademark Application;
- 6) Express Mail Certificate affirming deposit of the resubmitted Application materials with U.S. Express Mail on July 31, 2001;
- 7) “Notice of Incomplete Trademark Application” which bears the date of 07-09-01, but which did not reach Applicant for two and a half weeks;
- 8) Copy of the three checks (for three Trademarks) as first included with the filing;
- 9) Copy of the three new checks sent with the resubmitted Application;
- 10) Delivery Confirmation Certificate, confirming that the Application materials were “HAND-DELIVERED DIRECTLY TO PTO OFFICES, DATE OF DEPOSIT: JULY 9, 2001” in Arlington, Virginia;
- 11) Letter from Paralegal Deborah Mays, refusing to restore the original filing date, dated May 7, 2002 (this should have a separate listing in the TSDR Record, as it is dated ten months after the original Application date);
- 12) Cover letter from Applicant dated June 26, 2002 which accompanied the original Application;
- 13) Black-&-white copy of the gold-stamped letterhead cover page which was clipped to Specimen #1, for “The Saga of Soggy, The Rainforest Froggy”, but WITHOUT the attached Specimen.

Two of the five Specimens (in sets of three each), which were filed and refiled with the Application, are

missing from the beginning Records of the Application. Why? These were later placed on the Record on 02-10-04, stamped with the 07-09-01 AND 07-31-01 filing dates. These were probably restored to the Record at the request of Examining Attorney Gast, when he noticed that a number of things were missing from the Record, over two-and-a-half years after they were first filed with the USPTO.

It is severe Document Mishandling, on the part of someone at the USPTO, to jumble up pages, ditch Specimens, and deliberately place the Application in a state of disarray.

This is a highly incomplete and jumbled set of initial Application materials, which, when filed, were in perfect order, and were complete. Altogether, this is listed as Document Mishandling Incident #08.

**Incident # 09.**

The entire Application was later given a filing date of July 31, 2001. Yet many pages still have “CANCELLED” stamped all over them with no mention of the accepted filing date.

This is confusing & misleading.

All of Applicant’s Application materials and Specimens, along with a check for the higher filing fee amount, WERE accepted, when the new filing date of July 31, 2001 was assigned to this Trademark.

Why wasn’t this noted on all of the Specimens? Why is “CANCELLED” still stamped all over all of Applicant Light’s Specimens, Drawing Pages, Description of Goods, and other materials, with no mention of the later accepted filing date? Some materials are even stamped as CANCELLED right above the assigned filing date of 07-31-01.

There is no excuse for failing to note the actual filing date on all of the Specimens. This should have been corrected long ago, but this should definitely be corrected now. This point will also be mentioned again herein for some of the individual affected documents.

**Incident # 10.**

The entire packet, with all of these elements, was refiled on July 31, 2001, as paper documents, with the new filing fee check, including the Application form with Declaration, the Description of Goods, the Drawing

Page, and all of the above-described Specimens, clipped in a neat and orderly way, to letterhead cover pages, plus another cover letter describing why the Application was being refiled, including request for restoration of the original filing date. Everything was neatly in order, and filed as paper documents, not electronically.

Yet TSDR Document #005, titled “Duplicate Application”, does not contain all elements of the refiled Application. The severe mishandling, jumbling and plundering of the “Duplicate Application” as listed in TSDR Document #005 is listed herein as Document Mishandling Incident #10.

### **Incident # 11.**

There is a Cover Sheets problem. For both the original Application filed 07-09-01, and the refiled Application filed 07-31-01, five Cover Sheets on gold-stamped letterhead, with info on them pertaining to the Specimens, were attached to five sets of Specimens. Yet in the Record, these letterhead Cover Sheets have been scattered randomly through the Record, ditched from Records they should be in, and not attached to their corresponding Specimens, many of which are also missing from Records they should be in. Both Specimen #1, and its letterhead Cover Sheet, and Specimen #5, the “Triple-Shimmering Playbook”, are missing from TSDR Document # 001, titled “Specimen”, dated 07-09-01.

TSDR Document # 005, titled “Duplicate Application”, is missing Specimen # 1, but has a black-&-white copy of the letterhead Cover Sheet which was attached to it (see Image # 02). This shows that this Specimen was at least received. The other letterhead Cover Sheets are all missing from TSDR Document # 005.

Many of the originally filed Cover Sheets and Specimens, though not kept together, reappeared in the Record, in TSDR Documents #020 and #021, in color, on 02-10-04, without explanation, probably at the instruction of Examining Attorney Gast, who must have noticed that they were missing from the online Records, though originally filed for the case. Image # 03 hereinbelow shows this missing Cover Sheet for Specimen #1, as filed, in color, which should be reinstated to the early Record.

All this is odd. Why would there be an attempt to ditch Specimen #1 or the letterhead Cover Sheet that was attached to it? These are missing from TSDR Document # 001, titled “Specimen”. The black-&-white



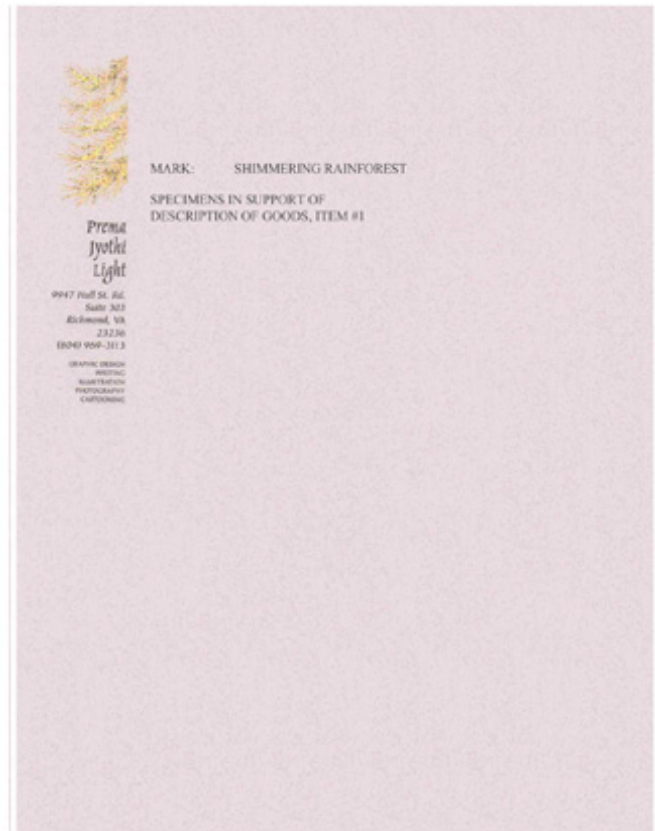
copy of the Cover Sheet for Specimen #1 appears in TSDR Documents # 004, “Application”, but its attached Specimen is missing. The same Cover Sheet appears in TSDR Document # 005, “Duplicate Application” but its attached Specimen is again missing. This could be due to the contents of the Specimen (see Section VIII).

It is clear, from TSDR Documents # 020 & # 021, that Specimen #1 WAS FILED in July 2001.

**Image # 02 - Cover Sheet, on letterhead, for Specimen # 1, shown in black-&-white, in TSDR Doc. # 005, but with the attached Specimen missing, (both filed as paper copies).**



**Image # 03 - Cover Sheet, on letterhead, for Specimen #1, as filed, in color, which should have been in the Record, at least in TSDR Doc. # 20 or # 21, but this Cover Sheet is missing.**



But, TSDR Document #001, “Specimen”, is missing the letterhead cover sheet for Specimen #1; has the black-&-white cover sheets for Specimens #2, #3, #4 & #5; but Specimens #1, #4 & #5 are completely missing from the “Specimen” file. TSDR Documents #004 & #005 ONLY have the black-&-white copy of the Specimen #1 Cover Sheet -- no other Cover Sheets -- and absolutely no Specimens.

Yet, all the Specimens were properly filed, both on July 9, 2001 and July 31, 2001, as evidenced by TSDR Documents # 020 & # 021.



TSDR Document #005 does have the Express Mail Certificate with the mailing date for the refiling, and a copy of the Fee Record Sheet noting the day the new fee was processed.

The Cover Sheets problem is listed herein as Document Mishandling Incident # 11.

**Incident #12.**

“Specimen # 01”, is titled, “The Saga of Soggy, the Rainforest Froggy”. (Please see Images # 04 & # 05 below). The ditching of this Specimen, specifically, from the early online Records, is listed herein as Document Mishandling Incident #12, even though it was ditched from three document records (TSDR #001, #004 & #005). It reappeared in the Records for this case in TSDR Documents # 020 and 021, dated 02-10-04, stickered with USPTO stickers with the July 2001 filing dates. This Specimen should also be reinstated at the beginning of the Records, with the other original Specimens, where others would expect to find them.

**Incident #13.**

Specimen #5, the “Triple-Shimmering Playbook”, filed for this Trademark, on both 07-09-01 and 07-31-01. This Specimen contained ninety-five (95) numbered pages [98 including introductory pages]. YET, THE ENTIRE SPECIMEN WAS DITCHED FROM THE USPTO ONLINE RECORDS IN JULY OF 2001, completely missing from TSDR Documents # 001, “Specimen”; #004, “Application”; and 005, “Duplicate Application”. This is the serious, complete omission of another Specimen from the early Records for this case, due to the actions of someone on staff at the USPTO. This Specimen reappeared in the Records in TSDR Documents # 020 and 021, dated 02-10-04. But the complete ditching of this entire large Specimen from the early Records for this case, is listed herein as Document Mishandling Incident #13.

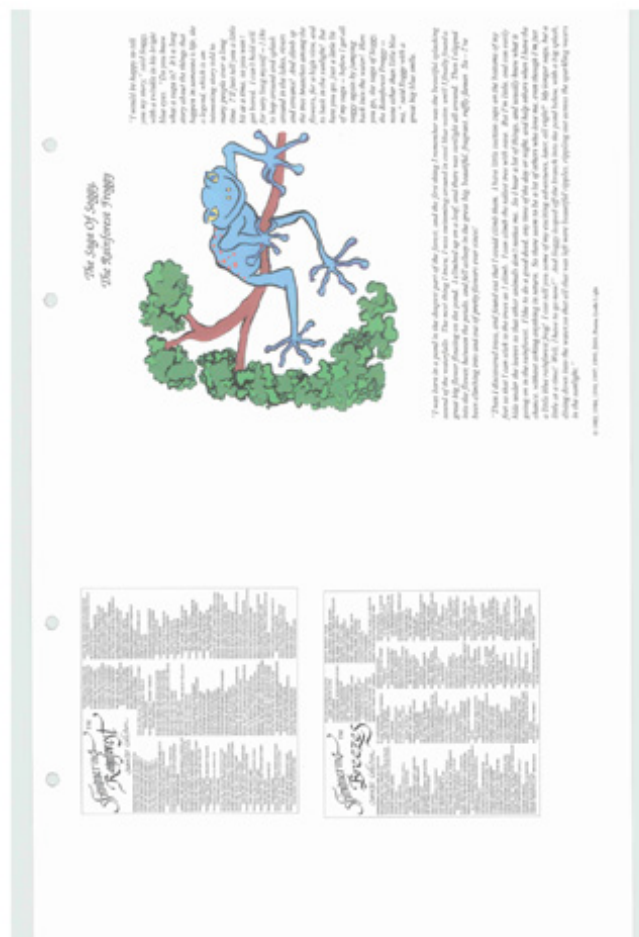
**Incident 14.**

Missing Specimens, filed as paper documents, reappeared on the Record, two years and seven months after the Application was accepted for filing, on 02-10-04, with no explanation. These Specimens were scanned into the Records in a better way, as brightly colorful, and stickered with USPTO stickers, with the application dates of 07-09-01 and 07-31-01 still stickered on them, and two-hole punched for the USPTO folders for paper

**Image # 04 - Specimen #1, Cover and Back Page for  
“SOGGY THE RAINFOREST FROGGY”  
Specimen leaflet, from TSDR Doc. #020,  
dated 02-10-04, when reinstated to the Record.**



**Image # 05 - Specimen #1, Inside Pages for  
“SOGGY THE RAINFOREST FROGGY”  
Specimen leaflet, from TSDR Doc. #020,  
dated 02-10-04, when reinstated to the Record.**



documents. This was probably at the instruction of Examining Attorney Gast, when he noticed that some of the Specimens were completely missing from the online Records, and others were very badly scanned into the Record.

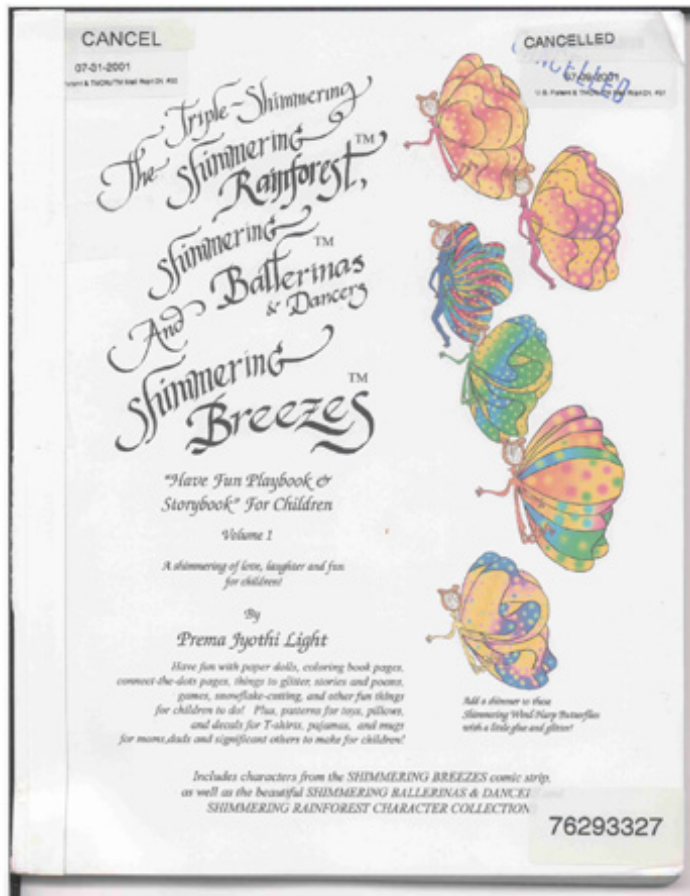
**Applicant Light sincerely thanks him for this honesty on his part.** At this point, it would also be helpful to place a copy of these at the beginning of the Record, where Judges and others would expect to find them, to clarify what was in the original and refiled Applications, with a note as to the filing date assigned to this Trademark, instead of just the confusing CANCELLED stamps. A pdf is filed, with this MOTION, for this

purpose, containing all the pages of the Specimen, including the Cover, bumper-to-bumper.

### **Incident #15.**

Please note that the cover of the “Triple-Shimmering Playbook” Specimen, in TSDR Documents # 020 and # 021, has five USPTO stickers on it, one at the bottom with the serial number, two at the upper right corner (CANCELLED over the bar code, and a blue CANCELLED stamped over the first received date of 07-09-01), and two at the upper left corner (a CANCEL sticker over the barcode of the sticker beneath it, which has the second received date of 07-31-01. This shows the Specimen was received on both dates, but why is a CANCEL sticker above the 07-31-01 date, and over the barcode for that date, when this was the new assigned filing date?

**Image # 06 - Specimen #5, Cover for “Triple-Shimmering Playbook”, showing its earlier file date of 07-09-01, refiled 07-31-01, marred by CANCEL stamps without note of assigned file date, but thankfully added back into the TSDR Documents #020 & # 021.**



This is incorrect and needlessly -- possibly deliberately -- confusing. There are five CANCEL or CANCELLED stickers over a Specimen which was officially accepted for filing on July 31, 2001, but no note as to the accepted filing date. This Specimen was accepted as a Specimen for the case twice, 07-09-01 & 07-31-01.

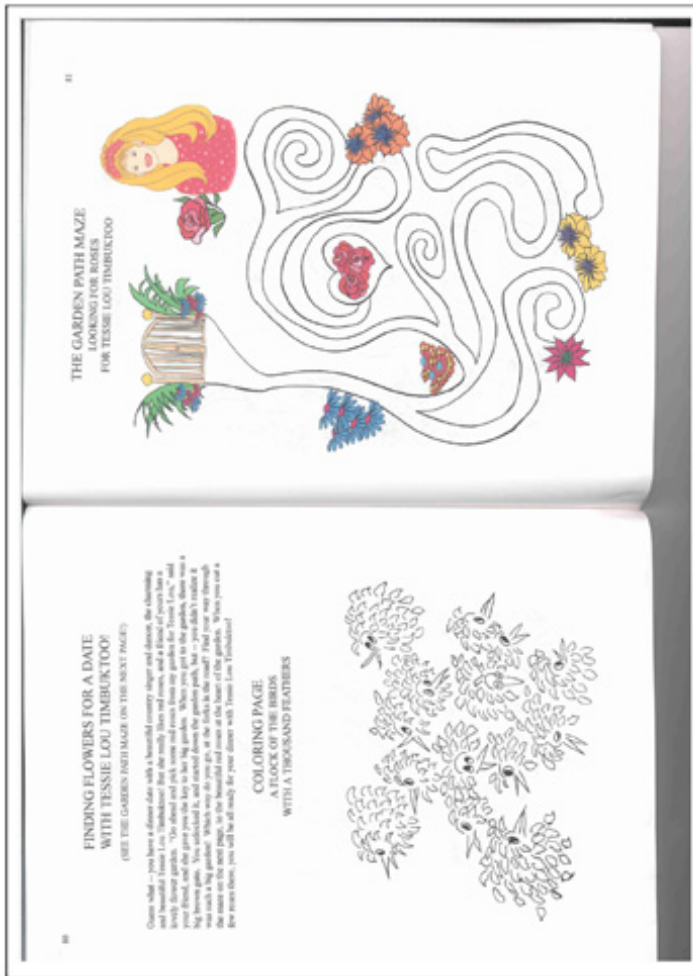
### **Incident #16.**

Even when the “Triple-Shimmering Playbook” was reintroduced into the Record two years and seven months after it was originally filed, in TSDR Documents # 020 and 021, the USPTO staff members who finally uploaded it, “dropped off” a big chunk of the last TWELVE (12) pages in the Playbook. Why?

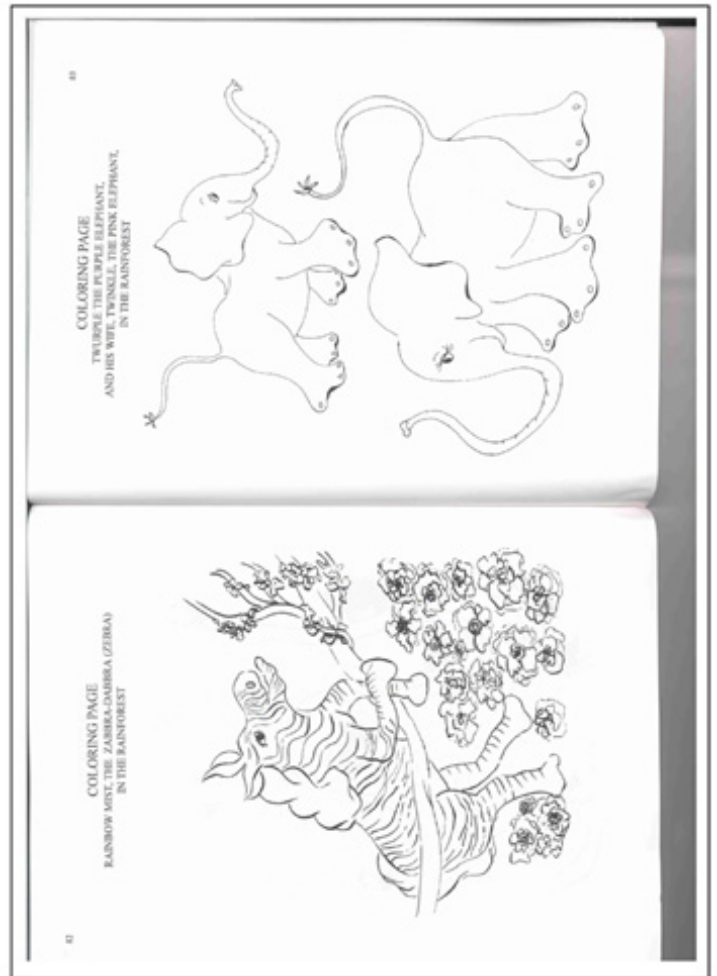
Please look carefully at the top right corner of

Playbook pages 80-81 and 82-83, in Images # 09 & # 10 above, from TSDR Document # 020. There are clearly quite a few pages left in the book. Pages 81 and 83 are clearly nowhere near the last pages in the Playbook.

**Image # 07 - Pages 80-81 from  
“Triple-Shimmering Playbook” in TSDR Doc. # 020  
showing edges of book with many more pages  
remaining (see top right corner edges).**



**Image # 08 - Pages 82-83 from  
“Triple-Shimmering Playbook” in TSDR Doc. # 020,  
showing edges of book with many more pages  
remaining (see top right corner edges).**



The “Triple-Shimmering Playbook” Specimens were printed at the same time and had a sturdy glue binding, no pages missing.

Also, if you look at the Table of Contents on page 3 of the Playbook, in Image # 11 below, you will find the missing pages listed there. This is in TSDR Document # 020 for SHIMMERING RAINFOREST, but the below image is from TSDR Document # 022 in the Records for the SHIMMERING BREEZES Trademark, because the Playbook was scanned in one page at a time, rather than two pages at a time. This is still a 2-hole

punched USPTO Record, but it is larger and easier to read at a small repro, for this MOTION. You can find this page in the Records for all three Trademarks under the date of 02-10-04.

How do you know the pages were there to begin with? Please review the Specimens submitted for SHIMMERING BREEZES, Serial Number 76293325, a sister Trademark which was filed along with SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS, on the same days in July, 2001. TSDR Document # 022, containing the same “Triple-Shimmering Playbook” Specimen, was added back into the Record for SHIMMERING BREEZES on 02-10-04, after having “gone missing” from the online Records for SHIMMERING BREEZES, also. This Document contains all of these missing pages. Someone different must have scanned this in. The “Triple-Shimmering Playbooks” were Specimens for all three Trademarks. In addition, this Playbook was also a Specimen for the sister Trademark SHIMMERING BALLERINAS &

**Image # 09 - Table of Contents from Playbook,  
showing missing pages listed at the bottom.**



Table of Contents

Introduction, page 1  
Supplies Needed, page 2  
Shimmering Wind-Harp Butterflies (A Poem for Children), page 4  
Shimmering Beesons of Love and Light (A Poem), page 5  
Glittering The Glittering Ballerina (To Glitter), page 6  
Bee Creative With Mr. Bee Good and Mrs. Bee Kind! page 7  
Bee Cards, pages 7-34  
The Shimmering Wind-Harp Butterflies,  
Floating On A Sparkling Lake (A Story), page 35  
Rainforest Bird Cards, page 39  
Bunny Rabbit Cards, Lament/Up & ListenWell  
and 16 of their little baby bunnies! page 41  
Stick Cotton On The Bunny Tail! page 47  
Ribbons For Prizes, page 49  
Bee Creative Game Descriptions, pages 59-60  
1. Have A Story Bust!  
2. Have A Spelling Bust!  
3. The Wonderful Bee Threes  
4. Game Board Fun  
5. Bee Twice As Many Players  
6. Go For A Walk & Count The Birds, Bees,  
Butterflies & Bunnies!  
Speak "A.Y.", page 61  
Game Board for Game Board Fun page 63  
Sunny Star, The Color-Coded Connect-The-Dots, page 65  
Connect-The-Dots (With Makani The Moth, page 66  
Unbrilliant For Makani The Moth (A Poem For Children), page 67  
Connect-The-Dots With Frazz the Raffertaloe (Giraffe), page 68  
Easy Unscrambles: Try To Unscramble These Words, page 68  
Little-Bit Harder Unscrambles: Try To Unscramble These Sentences, page 69  
Making Clocks From Paper Plates, page 70  
Glorious Glorietta Glissando In Jeans (Paper Dolls), page 73  
Clarissa Maybe In Frilly Dresses (Paper Dolls), page 75  
Boss "Twinkle In His Eyes" Fortright In Jeans (Paper Dolls), page 77  
Coloring Page: Majestic, the Many-Antlered Adora (Deer), page 78  
Finding Flowers For A Date With Tessie Lou Timbaltoo, page 80  
Coloring Page: A Flock Of The Birds With A Thousand Feathers, page 80  
The Garden Path Maze, page 81  
Coloring Page: Rainbow Mint, The Zebra Dabbers (Zebra), page 82  
Coloring Page: Twurple & Twinkle, The Rainforest Elephants, page 83  
T-Shirts, Quilts, Pillows, Toys & Mugs:  
Fun Things To Make For Children, page 85  
The Saga of Soggy, The Rainforest Froggy, page 91  
Help Sylvia Shimmerglow Catch The Right Plane Or Helicopter! page 92  
The Basic Snowflake Fold, page 94  
Cut The Pretty Snowflake! (PS1), Twilight Sparkle, from The Art of Snowflake Cutting, page 95

DANCERS. Yet, it was completely ditched from the earlier Records for that Trademark also. Then, it was added in, with full-color scans, on 02-10-04, two years and seven months after being filed. And, when scanned back in, this Playbook contained most of the missing pages. Whoever did this scan apparently didn't realize that the notation, "This page was intentionally left blank" meant that something on the other side of the page was available to be cut out, or something similar, and "left off" these pages from the scan. But otherwise, SHIMMERING BALLERINAS & DANCERS seems to have the missing pages scanned in. These Playbooks were all printed at the same time, and filed with the USPTO in person, in Virginia, at the same time. It is easy to see



**Image # 10 - Missing SOGGY THE FROGGY**  
**Pages 84-85, ditched by USPTO staff from**  
**TSDR Docs. #020 & #021, from Specimen #5,**  
**“Triple-Shimmering Playbook”.**



**Image # 11 - Missing SOGGY THE FROGGY**  
**Pages 86-87, ditched by USPTO staff from**  
**TSDR Docs. #020 & #021, from Specimen #5,**  
**“Triple-Shimmering Playbook”.**



that these “missing pages” were there in the books, at that time.

This Playbook Specimen, for SHIMMERING RAINFOREST, has to be all together in one place. So a Supporting PDF, containing the whole Playbook Specimen, is being filed separately, concurrent with this MOTION, so that it has its own Tracking Number and Receipt Number. Applicant Light asks that this PDF be reinstated into the Record, as a complete Record for the Playbook Specimen for this Trademark.

The Covers for each Playbook Specimen, for each of the three sister Trademarks, are each stamped with separate USPTO stickers, with the Serial Number of the Trademark on them, for SHIMMERING

**Image # 12 - Missing SOGGY THE FROGGY**  
**Pages 88-89, ditched by USPTO staff from**  
**TSDR Docs. #020 & #021, from Specimen #5,**  
**"Triple-Shimmering Playbook".**



**Image # 13 - Missing SOGGY THE FROGGY**  
**Pages 90-91, ditched by USPTO staff from**  
**TSDR Docs. #020 & #021, from Specimen #5,**  
**"Triple-Shimmering Playbook".**



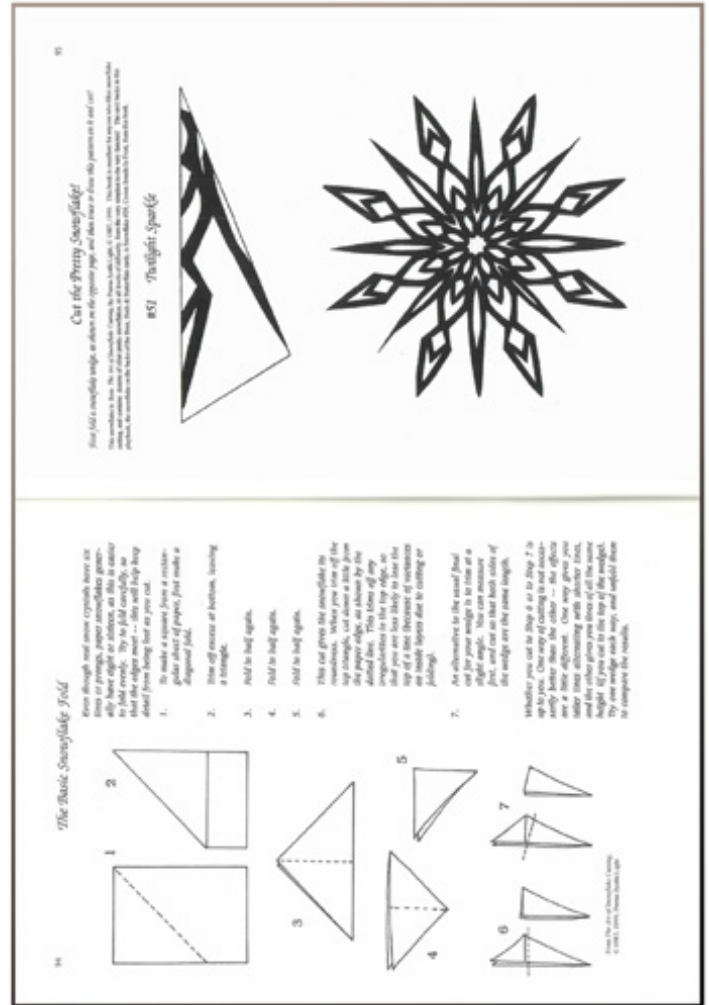
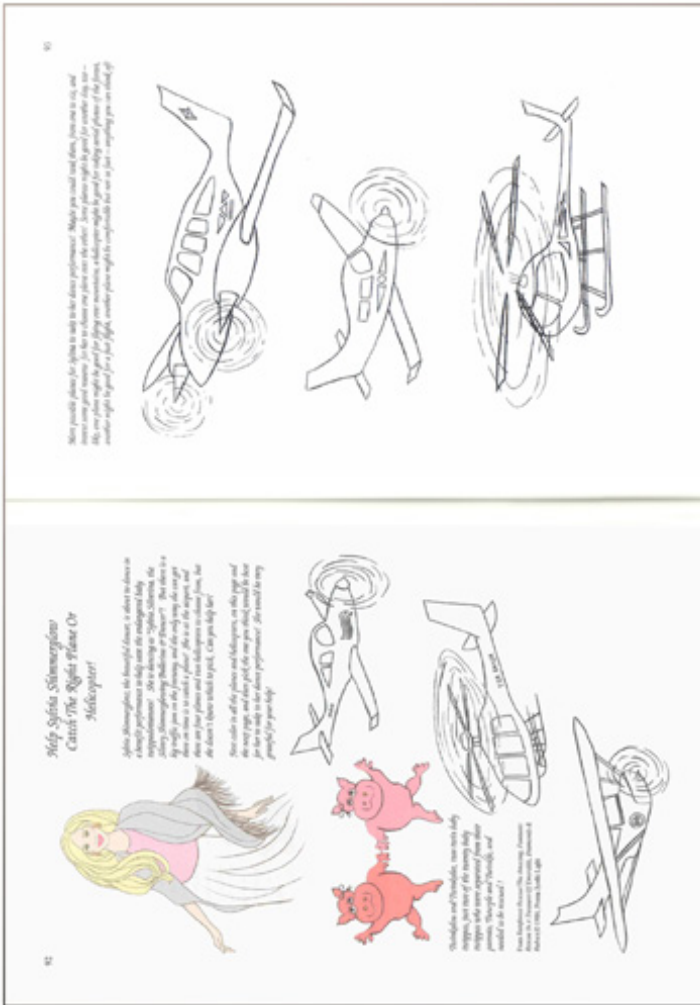
RAINFOREST, SHIMMERING BALLERINAS & DANCERS, and SHIMMERING BREEZES, confirming that all three copies of the Playbook Specimen were received by the USPTO on the same days.

The contents of these MISSING PAGES can also be confirmed by Examining Attorney Paul Gast, who saw the Specimens and reviewed them, and who probably ordered the rescanning of the Specimens into the Record on 02-10-04. He probably simply did not notice that his subordinates “left off” a chunk of pages, because he probably assumed that his subordinates did what he instructed them to do, and they didn’t.

The PDF filed concurrently with this MOTION, with the TTAB, contains the whole Playbook, bumper to bumper, including the Cover, all in one single, full-color Document.

**Image # 14 - Missing SYLVIA SHIMMERGLOW**  
**Pages 92-93, ditched by USPTO staff from**  
**TSDR Docs. #020 & #021, from Specimen #5,**  
**“Triple-Shimmering Playbook”.**

**Image # 15 - Missing SNOWFLAKE**  
**Pages 94-95, ditched by USPTO staff from**  
**TSDR Docs. #020 & #021, from Specimen #5,**  
**“Triple-Shimmering Playbook”.**



The missing chunk of TWELVE (12) PAGES of the Playbook are shown hereinabove, as Images # 10, # 11, # 12, # 13, # 14, & # 15, as referred to elsewhere in this MOTION, also.

**Incident #17.**

The fourth set of Specimens filed for this Trademark, on 07-09-01 and refiled 07-31-01, titled “Shimmering Breezes of Love & Light”, was completely missing from TSDR Documents # 001, # 004 and # 005. Someone may have wanted to try to rip this off also. This Specimen # 4 was finally added back into the online Records in TSDR Documents # 20 & #21, dated 02-10-04, but also needs to be added back into the earlier-dated Records. This should be done to set the Record straight, and to correct the egregious document mishandling of



**Image # 16 - Specimen #4,  
ditched by USPTO staff from  
TSDR Docs. # 001, # 004 & # 005,  
Cover & Back Page, Part I.**



**Image # 17 - Specimen #4,  
ditched by USPTO staff from  
TSDR Docs. # 001, # 004 & # 005,  
Inside Pages, Part I.**



leaving these Specimens out. These Documents are shown in small form hereinabove as Images # 16 , # 17, # 18 & # 19. The ditching of these Specimens is listed herein as Document Mishandling Incident # 17.

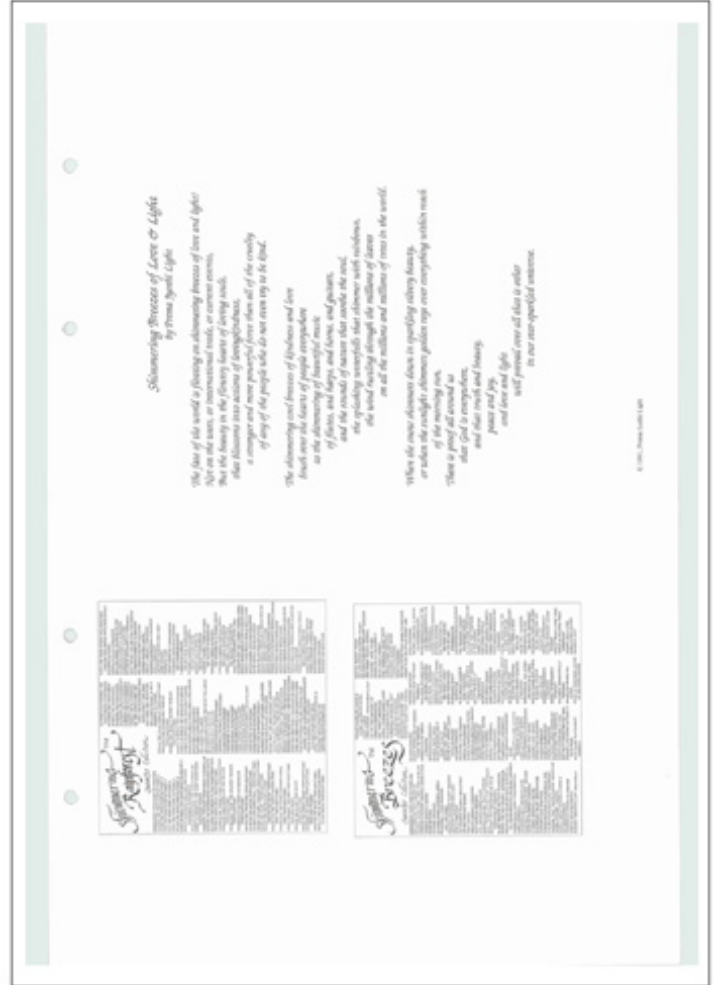
### **Incident # 18.**

TSDR Document # 002, dated 07-09-01 in the online records, which apparently Examining Attorney Lavache placed there in 2012 and titled “Drawing Original Restored”, is NOT an original Drawing, and not something which should have ever been back-dated or “restored” for this Trademark. This “Standard Character Drawing” was never submitted on 07-09-01, and in fact was never filed until EIGHT YEARS LATER, on 03-12-09. It was wrong to throw this Drawing into the earlier Records, with the wrong date, as “restored”. This

**Image # 18 - Specimen #4,  
ditched by USPTO staff from  
TSDR Docs. # 001, # 004 & # 005,  
Cover & Back Page, Part II.**



**Image # 19 - Specimen #4,  
ditched by USPTO staff from  
TSDR Docs. # 001, # 004 & # 005,  
Cover & Back Page, Part II.**



error is listed herein as Document Mishandling Incident #18. Therefore, Applicant requests that this be corrected by the removal of the wrongful TSDR Document # 002.

**Incident # 19.**

The same wrong Drawing was also wrongfully inserted into TSDR Document # 003, titled "Drawing", and also dated as 07-09-01, as a second page. It does not belong there, either. This second Drawing was never submitted on 07-09-01, and in fact was never filed until EIGHT YEARS LATER, on 03-12-09. The egregious error of throwing this Drawing onto the earlier Records, with a wrong date, is listed herein as Document Mishandling Incident # 19.

**Image # 20 - Original Drawing Page, in TSDR Document # 003, with filing dates of 07-09-01 & 07-31-01 stamped on it.**



TSDR Document #003 be corrected by removal of the Standard Character version of the Trademark, as it was not part of the original or refiled Application in July 2001, was not offered as an alternate version until eight years later in 2009, was rejected by Examining Attorney Gast in 2009, and as a result, was then also dropped by Applicant in 2009 as well.

The first page of TSDR Document # 003, titled “DRAWING PAGE FOR: SHIMMERING RAINFOREST”, was the only original Drawing for this Trademark (see Image # 20 hereinabove).

The Standard Character version of this Trademark was first offered as an alternate version of the Trademark, in a RESPONSE TO OFFICE ACTION,

dated 12-16-08 (TSDR Document 40, filed under Evidence, with the file name: \\TICRS\EXPORT5\IMA-GEOUT5\762\933\76293327\xml1\RO A0002.JPG). Applicant had thought that the Examining Attorney, Paul Gast, was offering her the option of submitting her Trademark in a Standard Character version, in his OFFICE ACTION, dated 06-14-08. However, her RESPONSE to this OFFICE ACTION was filed via TEAS, on 12-15-08 in Colorado, but with the last clicks a mere half hour late in Eastern Time. Though she filed it on time, in Colorado, it was just a few minutes late on the East Coast. Her application was therefore deemed “abandoned”, and Examining Attorney Gast required her to file a Petition to Revive to “un-abandon” it.

Applicant Light later refiled her RESPONSE TO OFFICE ACTION, which included the new Standard Character version of her Trademark, along with a PETITION TO REVIVE, on 03-12-09. This Standard Character version was a part of her RESPONSE to this OFFICE ACTION. The Petition to Revive was granted.

Mr. Gast later informed her that he had not intended to convey to her an offer to resubmit her Trademark as a Standard Character Mark, and decided to reject the Standard Character version. Therefore, this version was not pursued further by Applicant, who dropped it at that time.

This Standard Character version of the Trademark was never commented on by Paul Gast until after her RESPONSE was accepted on March 11, 2009, which is proof that it was not submitted earlier in the case. The Standard Character version of this Trademark was NEVER an original Drawing for this Trademark.

Therefore, only one Drawing was filed for this Trademark on July 9, 2001, or refiled on July 31, 2009, and it was the Design Mark shown in Image # 20 above, and on the first page of TSDR Document # 003.

**Question: the alternate Standard Character Drawing of the Trademark was filed on March 11, 2009, eight calendar years after the original Application. Why would a newly assigned Examining Attorney suddenly pluck this Drawing out of the 2009 case records, and stick it into the earlier online case records, back-dating it for July 9, 2001?** This was a very odd, and inaccurate, action for her to take.

This mistake apparently occurred in April 2012 (see TSDR Documents # 065, # 066 and # 067, while Examining Attorney Lavache was “restoring” the columnar version of the Trademark Drawing as portrayed in TSDR, instead of the radial version of this Trademark. The standard character drawing was never misplaced into the early Records of the case before that. Ms. Lavache was coming newly onto the case, as Examining Attorney Gast had just recently retired.

Even Examining Attorney Gast knows that it was never an original Drawing for the case, never filed in July 2001, and never filed as a Drawing before the date of Applicant’s RESPONSE TO OFFICE ACTION dated 03-12-09, EIGHT YEARS AFTER THE ORIGINAL FILING DATES, and EIGHT YEARS AFTER THE ORIGINAL DRAWING (there was only one) WAS FILED.

Throwing this (standard character) Drawing back onto the two earlier Records, with a date of 07-09-01, is an “OFF BY EIGHT YEARS” mistake, resulting in two serious errors.

To allow these errors to stand, without correction, would be another serious error.

#### **Incident # 20.**

The only Original Drawing Page, shown in Image # 20 hereinabove, the first page in TSDR Document # 003, has filing dates of 07-09-01 & 07-31-01 stamped on it, but it has CANCEL and CANCELLED stamped on it three times (see Image # 40). This is misleading and confusing. It is correctly stamped with a barcode and the date 07-09-01. But, it was also accepted for filing with the date of 07-31-01, and therefore there should not be a CANCEL stamp **directly over the acceptance date.**

Therefore, Applicant hereby requests that this be corrected, that the CANCEL should be uncanceled, or at least corrected to reflect the fact that it was accepted for filing in July 2001. This is related to Incident # 09, but is also listed separately herein as Document Mishandling Incident # 20.

#### **Incident #21.**

TSDR Documents # 008 and # 009 are two listings of the same document. This is needlessly duplicative, confusing, and a waste of time for Judges or others looking through the Record. If the listings are exactly the same, then the duplicate listings should be removed.

#### **Incident #22.**

TSDR Documents # 010 and # 011 are two listings of the same document. This is needlessly duplicative, confusing, and a waste of time for Judges or others looking through the Record. If the listings are exactly the same, then the duplicate listings should be removed.

#### **Incident #23.**

TSDR Documents # 014 and # 015 are two listings of the same document. This is needlessly duplicative, confusing, and a waste of time for Judges or others looking through the Record. If the listings are exactly the same, then the duplicate listings should be removed.

#### **Incident # 24.**

There have been repeated problems with the way Applicant Light's Specimen images have been scanned

into the Records by staff members of the USPTO. This is listed as a separate Incident herein so that some things only have to be said once instead of several times, as these problems have been common to several images. Many of the Specimens were filed as paper documents, and scanned in badly by USPTO staff.

In 2001, grayscale images were still being scanned into the Records instead of color images.

When she saw at the shockingly bad scans done of her Specimens, Applicant Light wondered what on earth the USPTO staff was doing to make the images look so bad. The images were being blackened, almost beyond recognition, with destruction of any detail. The midtones were being dropped out, but there was both over-lightening and over-darkening in the same images. So she went to her computer, to try to replicate their mistakes. The images were being blackened, almost beyond recognition, with destruction of any detail. The midtones were being dropped out, but there was simultaneous over-lightening and over-darkening.

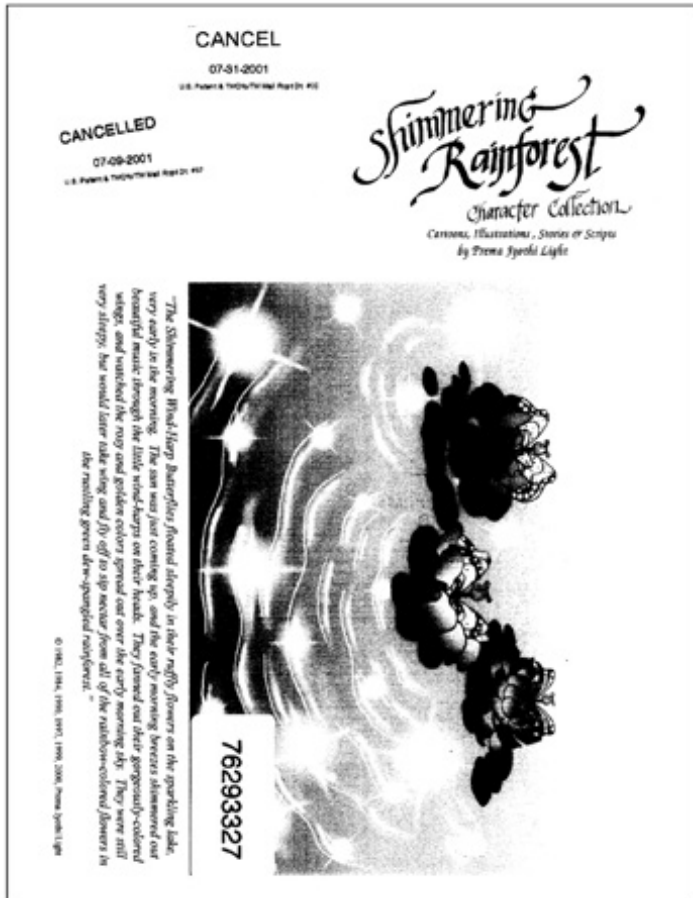
By doing multiple scans, different ways, Applicant Light realized that what USPTO staff had done to the scans, was to scan them in as black-and-white scans, instead of grayscale scans. Black-and-white scan settings are -- and were -- usually only done for black-and-white pen-and-ink drawings, which are pure black ink on pure white paper, with no midtones to reproduce. This was not at all the way color images were usually reproduced, even at that time. Ms. Light has seen images in TTAB case files from way back then, and grayscale images were normal and usual, even for that time. USPTO technology allowed for that.

Further, even for black-and-white scans, their scans for Ms. Light were done at 200 dpi, not 300 dpi, which caused a coarser look. They may have been done at 200 and then resized to 300 dpi, but Ms. Light compared her test scans with what they did, and their scans are much closer to the way they look at 200.

When Ms. Light tried to duplicate their results on her scanner, she found that 300 dpi resulted in finer detail than their scans were giving. And, there is a midpoint for black-and-white scans. The “variable” is called “threshold”, and the threshold has about a 500-point range, from a totally white image to a totally black image. They were consistently running their images at the blackest end of the range, above 400 points, to make the images really, really black.



**Image # 21 - Specimen #2,**  
**with SHIMMERING WIND-HARP**  
**BUTTERFLIES in lotuses, blackened by**  
**USPTO staff when they scanned it into**  
**TSDR Document # 001, dated 07-09-01.**

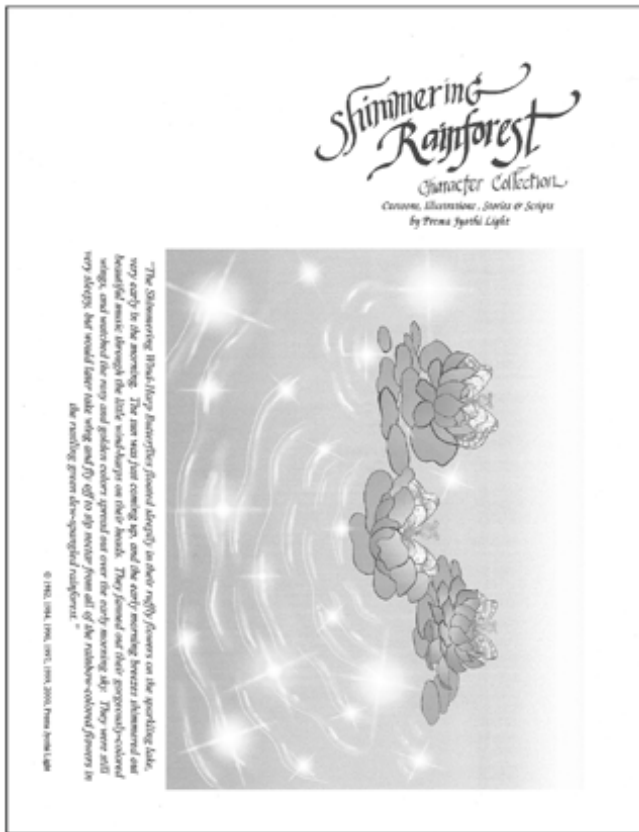


**Image # 22 - Specimen #2,**  
**with SHIMMERING WIND-HARP**  
**BUTTERFLIES in lotuses, in color, as originally**  
**filed, as shown in TSDR Documents**  
**#020 & # 021, dated 02-10-04.**

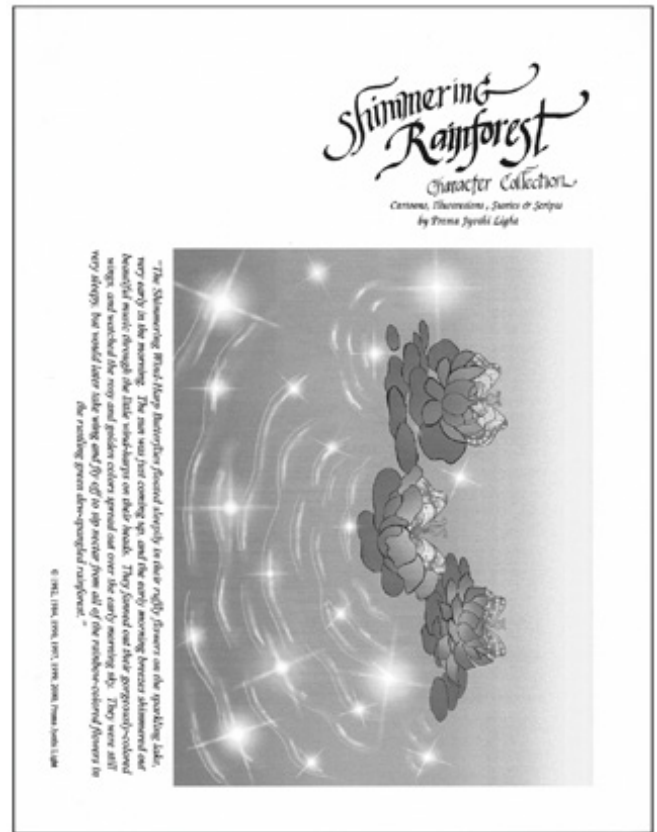


Many of their resulting images also seem to be composite images: overlightening the lights, overdarkening the darks, and then “cutting” out the images (on computer) to place them on the pages with the combination of the worst of both effects, but so that the print was somewhere within normal parameters, without the page looking gray. The point is: these were not just accidentally overdarkened images. As the herein pages illustrate, what they did was nowhere near normal grayscale images, or even overdarkened grayscale images, but instead: stark black-and-white images, at a low resolution, and at the darkest end of the threshold spectrum, with scan images combined for bad effect. It all adds up to what looks like deliberate bad intentions, as further shown herein. Please review and compare the following images.

**Image # 23 - A normal grayscale image of the Cover Page for Specimen #2, of the SHIMMERING WIND-HARP BUTTERFLIES in lotuses on a sparkling lake.**



**Image # 24 - The way this image would have looked if it were simply a way-overdarkened grayscale image of this Specimen (note the difference in sparkles between this and the blackened scan).**



## **Incident # 25.**

Specimen #2, with beautiful little wind-harp butterflies in lotus flowers on a sparkling lake, which was uploaded by USPTO staff into TSDR Document # 001, was uploaded very badly, and destructively blackened almost beyond recognition, obliterating the pretty little wind-harp butterflies (see Images #21 & # 22 above).

Why? This was a truly deplorable scan. Someone had to work at it, to make it look that bad!

Keep in mind that these Specimens were filed as paper documents, in bright beautiful color, at a time when three copies of each Specimen were requested of applicants. Even with the technology of that time, these could easily have been scanned as grayscale images, as was routinely done for other Applicants.

Image # 21 shows the front page of Specimen #2 as it was scanned into TSDR Document # 001, by someone on the USPTO staff, from the paper document, which was filed in person, over the counter.



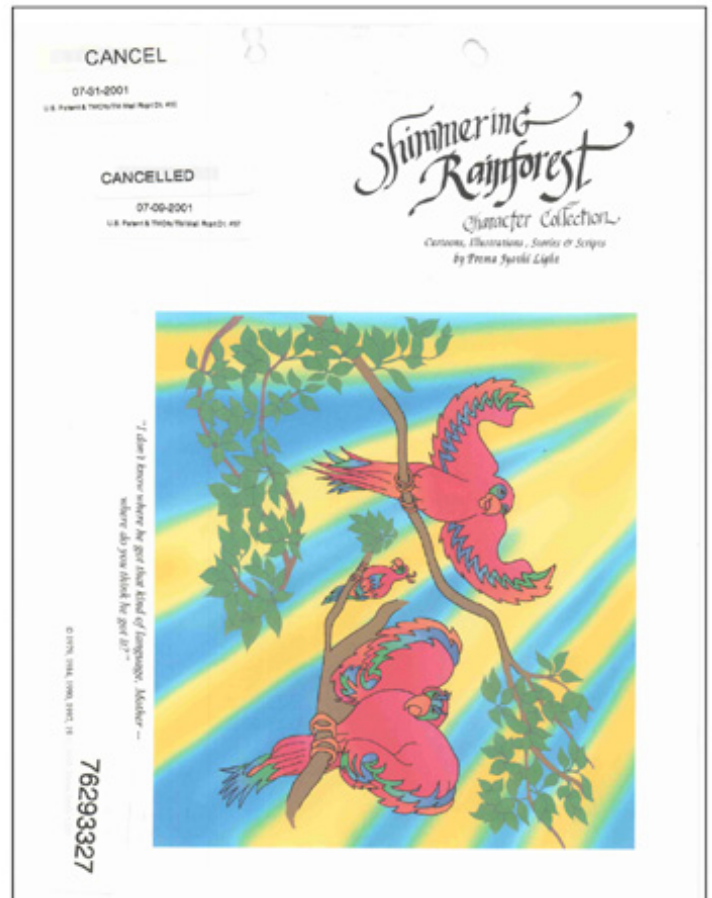
All three copies of this Specimen were done in this way. Can whoever did this be identified?

Image # 22 shows the same image, in color, as originally filed, and as finally added back into the Record on 02-10-04 in TSDR Documents # 020 & # 021. The above image shows the same image as it could have and should have been scanned into TSDR by USPTO staff, if scanned as a grayscale image, and this technology was easily available at the time.

The type on this Specimen was also made more blurry, when the image was blackened by someone on the USPTO staff. Yet the original type was perfectly crisp and clear, including the finer type in the Trademarks on the backs of the Specimens.

**Image # 25 - Specimen #3,**  
**rainforest parrots on branches,**  
**blackened by USPTO staff**  
**when they scanned it into**  
**TSDR Document # 001, dated 07-09-01.**

**Image # 26 - Specimen #3,**  
**rainforest parrots on branches, in color,**  
**as originally filed,**  
**as shown in TSDR Documents #020 & # 021,**  
**dated 02-10-04.**

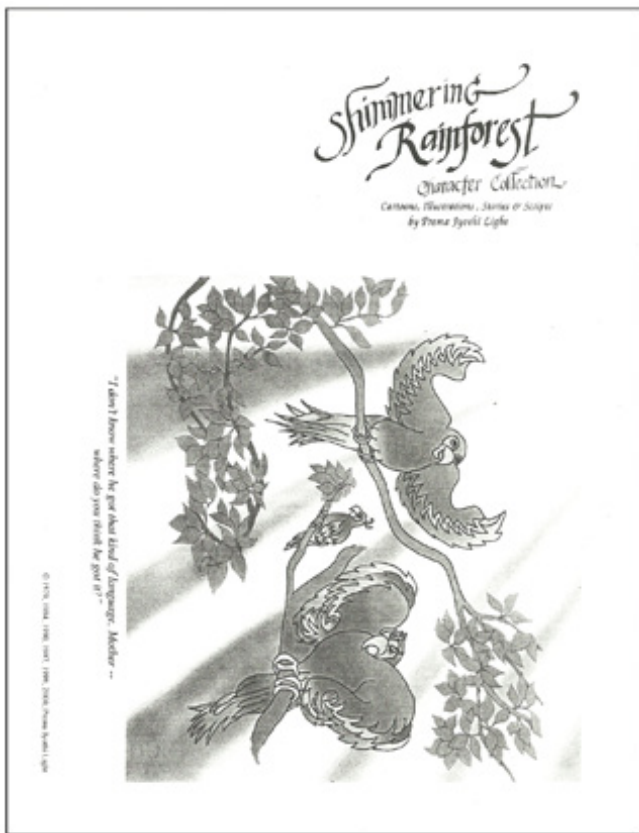


The color images for this Specimen #2 should be added back in, at the beginning of the online Records for this case, for all three samples per Specimen, and the destructively blackened images should be removed, to avoid any confusion about what was filed. The destructive blackening of this image, for the pretty butterflies in the lotuses, and type made blurrier, is together herein listed as Document Mishandling Incident # 25.

### **Incident # 26.**

The cover page of Specimen #3, with three colorful parrots on a leafy rainforest branch in rays of sunshine, which was scanned by USPTO staff into TSDR Document # 001, was scanned very badly, destructively blackened almost beyond recognition, COMPLETELY OBLITERATING the beautiful little parrots. (Please see images on previous page.) Keep in mind that these Specimens were filed as paper documents, at a time when three copies of each Specimen were requested of applicants, in bright beautiful color, and even with the tech-

**Image # 27 - A normal grayscale image of the Cover Page for Specimen #3, of the beautiful little parrots on a rainforest branch in the sunshine.**



nology of that time, these could easily have been scanned as grayscale images, as was routinely done for other similar documents by other applicants.

Image # 25 shows the front page of Specimen #2 as it was scanned into the TSDR online Records for this case by someone on the USPTO staff, badly blackened. All three copies of this Specimen were done in this way. Can whoever did this be identified?

The type on this Specimen was also made more blurry, when the image was blackened. The original type was perfectly crisp and clear, including the finer type in the Trademarks on the backs of the Specimens.

Image # 26 shows the same image, in color, as originally filed, and as finally added back into the Record on 02-10-04 in TSDR Documents # 020 & # 021.

Please see Image # 27 shows the same image as it could have and should have been scanned into TSDR by USPTO staff, if scanned as a grayscale image.

Image # 28 shows that even if the image were scanned as a black-and-white image, if done near the midpoint of the threshold spectrum, the expressive detail of the little parrots would have been preserved. The blackening of the image has to have been deliberate.

The color images for this Specimen #3 should be added back in, at the beginning of the Record for this case, for all three samples per Specimen, and the destructively blackened images should be removed, to avoid any confusion about what was filed. The destructively blackening of this image, for the nice little parrots, and type made blurrier, is together listed herein as Document Mishandling Incident # 26.

#### **Incident # 27.**

TSDR Document # 065, titled "Amended Drawing", dated 04-17-12, is not an Amended Drawing; it is the same original Drawing as filed on July 09, 2001, and July 31, 2001, and Applicant did not ever submit it as an Amended Drawing. This was wrongly placed on the record as an Amended Drawing, and should be removed. This wrong and mislabeled Record is listed herein as Document Mishandling Incident # 27.

### **Incident # 28.**

TSDR Document # 068, titled “Preliminary Amendment”, dated 04-25-12, titled “NOTICE OF ERRORS IN USPTO ONLINE RECORDS FOR TRADEMARKS & REQUEST FOR CORRECTIONS”, was never directly responded to. In this document, Applicant objected to the fact that her original Drawing had been wrongly inserted into the record as an Amended Drawing, when this was not an Amended Drawing, and formally requested, by written document, that this wrong entry into the Record be removed.

Her formally-filed document was never responded to by Examining Attorney Lavache, and the requested correction was never made. Question: why was this request never responded to?

All that Examining Attorney Lavache ever did was to jot a “Note to the File” in TSDR Records.

This was procedurally incorrect. A note to the file is not a response to the Applicant.

TSDR Document # 067, dated 04-27-12, titled “Note to the File” states,

“At the request of the newly assigned examining attorney, on 04/17/2012, the Legal Instruments Examiner reinstated in TRAM the original drawing of record filed with the application. The amended drawing that had appeared in TRAM was not accepted by the previous examining attorney. Per TMEP Section 807.17, “If the unacceptable amended drawing has been entered into the automated records of the USPTO, the examining attorney must ensure that the automated records are modified to reflect that the previous drawing is operative.” In this case, the original drawing submitted with the application remains operative and therefore it has been restored to the automated record. Id.”

Then, Examining Attorney Lavache checked off a line called “Other”, in her Note to the File dated 04-28-12, with the comment, “Examining attorney processed applicant’s 04-25-2012 communication.”

However, Ms. Light’s concerns were never addressed or responded to by any communication from the Examining Attorney to the Applicant. However, an Examining Attorney cannot create an Amended Drawing without consulting with a consenting Applicant, and the original Drawing is not an Amended Drawing. This still needs to be corrected, and Applicant Light requests that the erroneous TSDR Document # 065 be removed.

### **Incident #29.**

Document 71, titled “Preliminary Amendment”, dated 05-29-12, is actually a “REQUEST FOR

EXTENSION OF TIME DUE TO USPTO ERROR". (The category of "Voluntary Amendment" was the only category Applicant could find on TEAS to file this Document). The PDF was successfully attached to this document, for both SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS. However, someone on the USPTO staff ditched the attached PDF. It definitely WAS ATTACHED.

**Applicant Light has no problem carefully attaching documents to her online filings.** This is a step-by-step procedure, with confirmations every step of the way.

**Applicant Light has a problem with her successfully-attached attachments being ditched by USPTO support staff.** As a result, she now feels she has to file her attachments separately, with separate tracking numbers and confirmation receipts. This is due to mishandling of her documents by USPTO support staff.

**Image # 29 - Petition to Revive, Page 1, filed 01-28-13, "Converted PDF pages" made unreadable by USPTO staff (pages chopped in half vertically, sides swapped), in TSDR Document # 077.**

**Image # 30- Petition to Revive, Page 1, as filed 01-28-13, was fully readable; original PDF link has been re-connected (was broken by USPTO staff).**

USPTO TSDR Case Viewer

Case ID: 76293327

Document Description: 12. Request for Reinstatement, 76293327

Mail/Create Date: Feb. 05, 2013

Back

PATENT AND TRADEMARK OFFICE

IN THE UNITED STATES

NAME OF APPLICANT: Prema Jyothi Light

NAME OF TRADEMARKS: SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS

SERIAL NUMBERS: 76293327 & 76293326

FILING DATE OF APPLICATION: First filed July 9, 2001  
Later refilled July 31, 2001

DATE OF NOTICE OF ABANDONMENT: November 28, 2012

DATE OF THIS RESPONSE: January 28, 2012

EXAMINING ATTORNEY: Linda Lavache, Esq.  
Law Office 106

PETITION TO THE DIRECTOR TO REVIVE TRADEMARKS

1. Introduction

In accord with TMPEP § 1714, Applicant and Petitioner Prema Jyothi Light hereby timely files this PETITION TO REVIVE TRADEMARKS, in response to the NOTICES OF ABANDONMENT filed on November 28, 2012, by Examining Attorney Linda Lavache, with regard to the two sister Trademarks, SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS.

These two sister Trademarks are being handled in tandem, by decision of the TTAB, as the two are similar, and the issues with regard to them are the same. The Trademarks are currently on remand back to the Examining Attorney by decision of the TTAB.

2. RESPONSES TO OFFICE ACTIONS

Applicant Light had RESPONSES due on November 26, 2012, for the above-mentioned Trademarks, and did file these RESPONSES while it was still November 26, 2012, in Denver, Colorado. She completed the TEAS filing of these RESPONSES a few minutes

Shimmering Rainforest, App. # 76293327, & Shimmering Ballerinas & Dancers, App. # 76293326  
Petition to the Director to Revive Trademarks, January 28, 2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NAME OF APPLICANT: Prema Jyothi Light

NAME OF TRADEMARKS: SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS

SERIAL NUMBERS: 76293327 & 76293326

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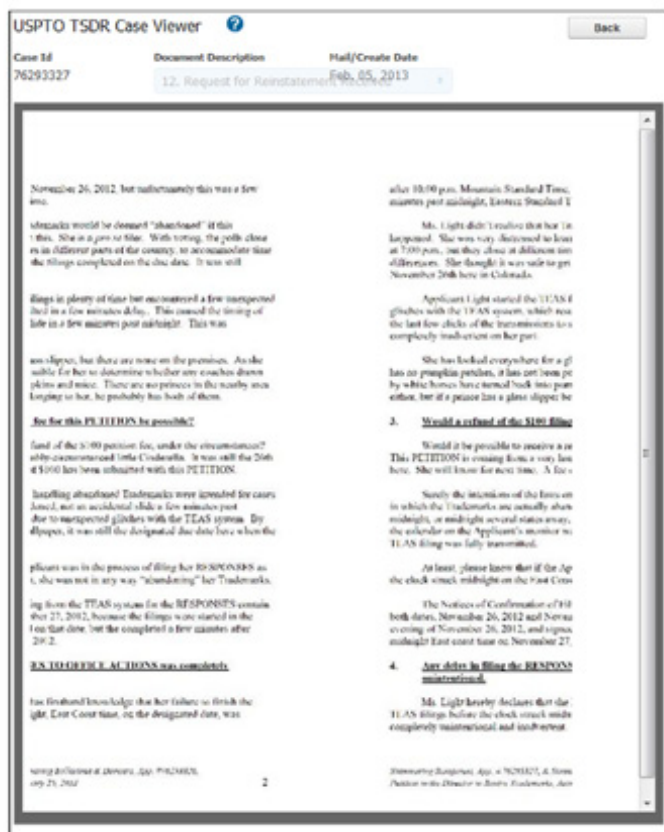
2. RESPONSES TO OFFICE ACTIONS were due on November 26, 2012, and these were filed while it was still November 26, 2012, in the Denver, Colorado area.

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Shimmering Rainforest, App. # 76293327, & Shimmering Ballerinas & Dancers, App. # 76293326  
Petition to the Director to Revive Trademarks, January 28, 2013



**Image # 31 - Petition to Revive, Page 2,  
filed 01-28-13, “Converted PDF pages”  
made unreadable by USPTO staff (pages  
chopped in half vertically, sides swapped),  
in TSDR Document # 077.**



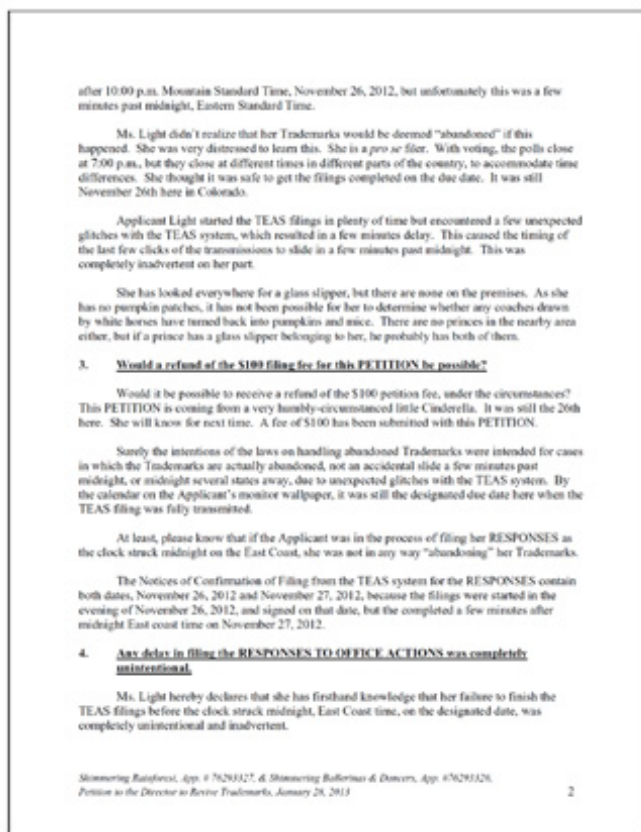
**Incident # 30.**

The next cluster of Document Mishandling Incidents involve the way in which people on the USPTO staff have been “converting pdf pages” of her documents in a mangled way, and then breaking the pdf links to the original documents. Because of this, Judges or others wishing to read the case documents would not be able to do so. Please see the documents on the left, in the images hereinbelow.

What USPTO staff have been doing to Applicant Light’s documents, is to CHOP THE PAGES IN HALF VERTICALLY, AND THEN SWAP THE HALVES, so that the resulting pages cannot be read at all.

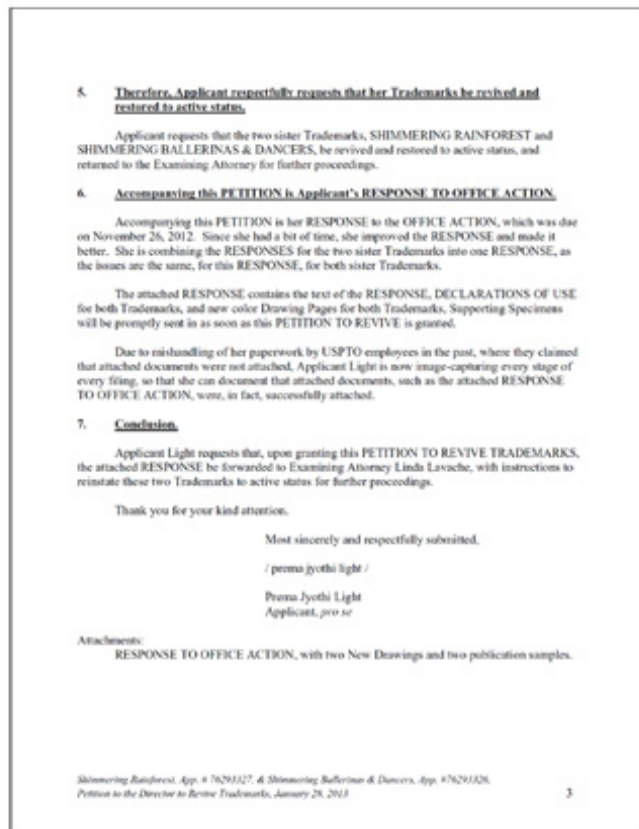
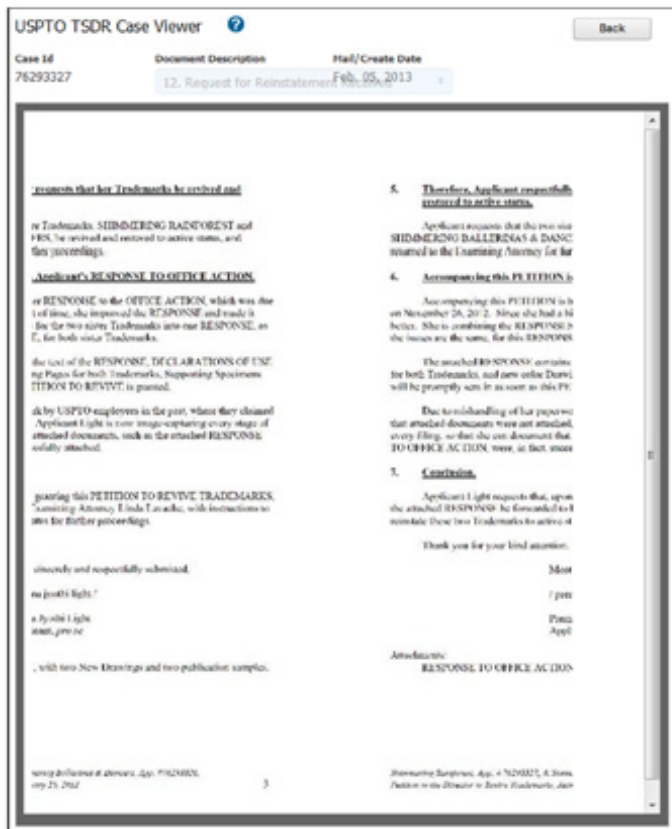
This is not just accidental -- it has been done repeatedly, possibly deliberately, to Applicant Light’s documents. Please review the illustrative images, taken directly from USPTO TSDR Case Viewer, online, and if necessary, refer to the “converted pdf pages” in the Documents in the TSDR Records. As you can see, the

**Image # 32 - Petition to Revive, Page 2,  
as filed 01-28-13,  
was fully readable;  
original PDF link has been re-connected  
(was broken by USPTO staff).**



**Image # 33 - Petition to Revive, Page 3,**  
**filed 01-28-13, “Converted PDF pages”**  
**made unreadable by USPTO staff (pages**  
**chopped in half vertically, sides swapped),**  
**in TSDR Document # 077.**

**Image # 34 - Petition to Revive, Page 3,**  
**as filed 01-28-13,**  
**was fully readable;**  
**original PDF link has been re-connected**  
**(was broken by USPTO staff).**



mangled documents are not at all readable.

By then breaking the links to the original pdf documents, someone on the USPTO support staff was trying to impede the review of this case.

Applicant has complained about this, and as a result, some of the broken links have been temporarily re-connected. However, the mangled “converted pdf pages” have NEVER BEEN FIXED. As a result, if the offending staff members feel like “breaking the links to the original pdfs” again, the documents will again become unreadable, and not accessible to those wishing to review the case documents later.

Therefore, the “converted pdf pages” should be properly redone in a readable way, and this is hereby formally requested in this MOTION FOR CORRECTIONS TO THE RECORD.

**Image # 35 - Request for Reinstatement, Page 1,**  
**filed 02-05-13, TSDR Document # 078,**  
**“Converted PDF pages” made unreadable**  
**by USPTO staff, pages chopped in half**  
**vertically, sides swapped.**

USPTO TSDR Case Viewer

Case Id: 76293327

Document Description: 12. Request for Reinstatement

Mail/Create Date: Feb. 05, 2013

Back

PATENT AND TRADEMARK OFFICE

Prema Jyothi Light

SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS

76293327 & 76293326

First filed July 9, 2001  
Later refiled July 31, 2001

November 28, 2012

January 28, 2012

February 1, 2013

February 05, 2012

Linda Lavache, Esq.  
Law Office 106

FOR REINSTATEMENT

IN THE UNITED STATES

NAME OF APPLICANT:

NAME OF TRADEMARKS:

SERIAL NUMBERS:

FILING DATE OF APPLICATION:

DATE OF NOTICE OF ABANDONMENT:

DATE OF PETITION TO REVIVE:

DATE GRANTING NOTICE OF REVIVAL TO SHIMMERING BALLERINAS & DANCERS:

DATE OF THIS REQUEST FOR REINSTATEMENT FOR SHIMMERING RAINFOREST:

EXAMINING ATTORNEY:

REQUEST

I. Introduction

On January 28, 2013, Applicant (in above-listed Trademarks, SHIMMERING RAINFOREST. A copy of this single PET the second paragraph, where Applicant has hereby corrected.)

On February 1, 2013, just last Friday, the PETITION TO REVIVE was granted, but only for one Trademark, SHIMMERING BALLERINAS & DANCERS. It should have been for both Trademarks. No explanation was given to ask for correction of this error by the USPTO.

Shimmering Rainforest, App. # 76293327, & Shimmering Ballerinas & Dancers, App. # 76293326, Request for Reinstatement of Shimmering Rainforest, dated February 5, 2013

**Image # 36 - Request for Reinstatement, Page 1,**  
**02-05-13, TSDR Document # 078,**  
**as filed, was fully readable;**  
**original PDF file link has been re-connected**  
**(was broken by USPTO staff).**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NAME OF APPLICANT: Prema Jyothi Light

NAME OF TRADEMARKS: SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS

SERIAL NUMBERS: 76293327 & 76293326

FILING DATE OF APPLICATION: First filed July 9, 2001  
Later refiled July 31, 2001

DATE OF NOTICE OF ABANDONMENT: November 28, 2012

DATE OF PETITION TO REVIVE: January 28, 2012

DATE GRANTING NOTICE OF REVIVAL TO SHIMMERING BALLERINAS & DANCERS: February 1, 2013

DATE OF THIS REQUEST FOR REINSTATEMENT FOR SHIMMERING RAINFOREST: February 05, 2012

EXAMINING ATTORNEY: Linda Lavache, Esq.  
Law Office 106

REQUEST FOR REINSTATEMENT

I. Introduction

On January 28, 2013, Applicant Light filed a timely PETITION TO REVIVE for both of the above-listed Trademarks, SHIMMERING BALLERINAS & DANCERS and SHIMMERING RAINFOREST. A copy of this single PETITION is attached. (There was a typographical error in the second paragraph, where Applicant accidentally typed "TMEP" instead of "TTAB", which is hereby corrected.)

On February 1, 2013, just last Friday, the PETITION TO REVIVE was granted, but only for one Trademark, SHIMMERING BALLERINAS & DANCERS. It should have been for both Trademarks. No explanation was given for this. This REQUEST FOR REINSTATEMENT is to ask for correction of this error by the USPTO.

Shimmering Rainforest, App. # 76293327, & Shimmering Ballerinas & Dancers, App. # 76293326, Request for Reinstatement of Shimmering Rainforest, dated February 5, 2013

This procedure of mangling the “converted” pdf pages has been done to several of Applicant’s documents, but only three such documents will be described herein, with reference images shown,

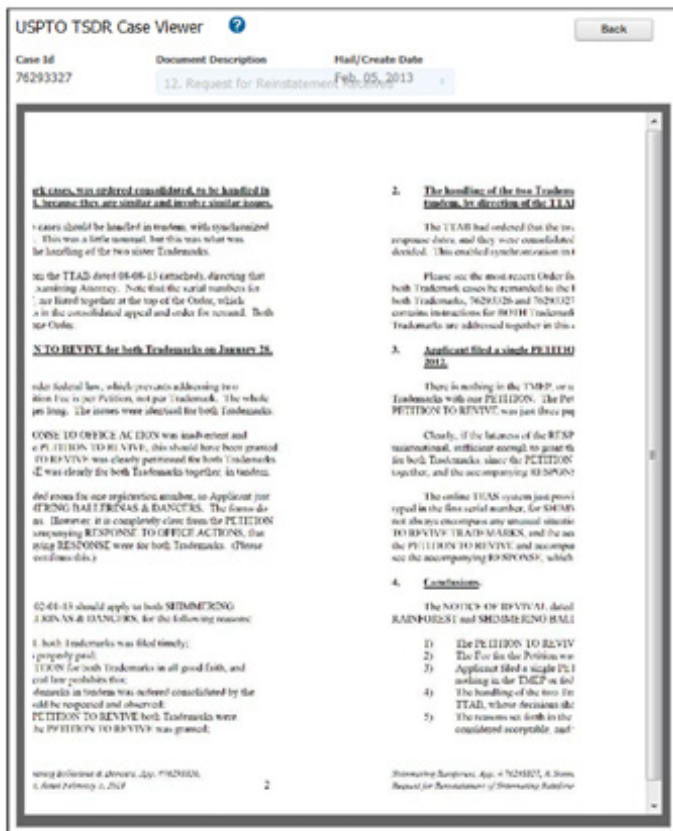
**Incident #31.**

The first set of these mangled documents presented in this MOTION is the PETITION TO REVIVE, filed 01-28-13, TSDR Document # 077, as shown hereinabove in Images # 29, # 30, # 31, # 32, # 33 & # 34. The mangled pages, chopped in half vertically, with sides swapped -- and someone had to really work at it, to get the pages this way -- are on the left. The correct, readable pages, as filed, are on the right.

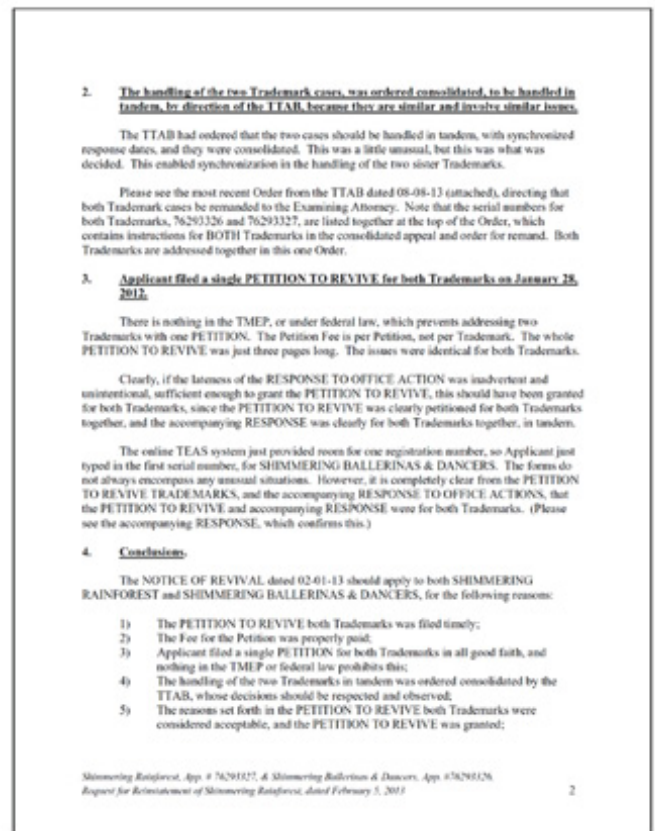
This series of actions, on the part of someone on the USPTO staff, is referred to herein as Document Mishandling Incident # 31.



**Image # 37 - Request for Reinstatement, Page 2,**  
**filed 02-05-13, TSDR Document # 078,**  
**“Converted PDF pages” made unreadable**  
**by USPTO staff, pages chopped in half**  
**vertically, sides swapped.**



**Image # 38 - Request for Reinstatement, Page 2,**  
**02-05-13, TSDR Document # 078,**  
**as filed, was fully readable;**  
**original PDF file link has been re-connected**  
**(was broken by USPTO staff).**



**Incident #32.**

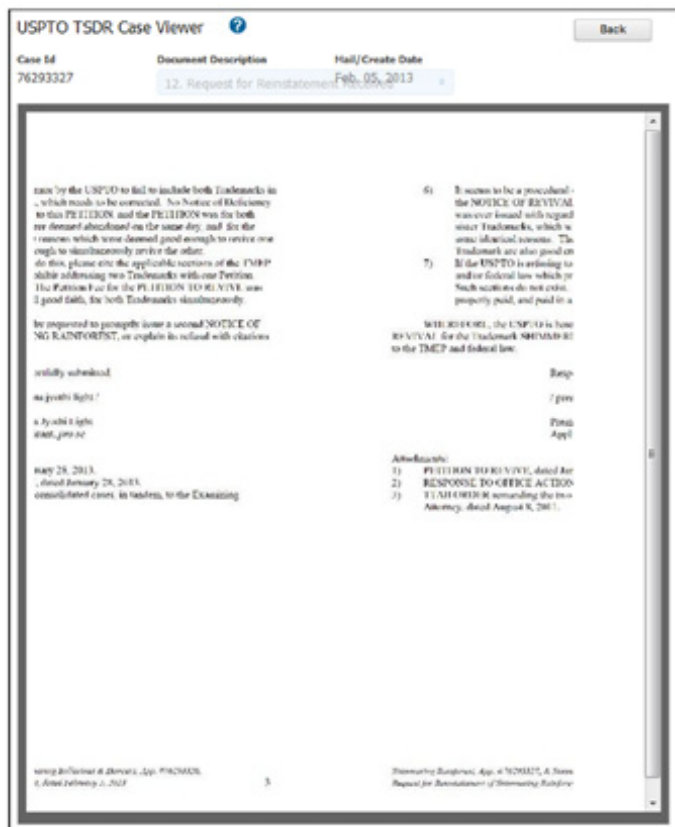
The second set of these mangled documents presented in this MOTION is the REQUEST FOR REINSTATEMENT, filed 02-05-13, TSDR Document # 078, as shown hereinabove in Images # 33, 34, 35, 36, 37 & 38. The mangled pages, chopped in half vertically, with sides swapped -- and someone had to really work at it, to get the pages this way -- are on the left. The correct, readable pages, as filed, are on the right.

This series of actions, on the part of someone on the USPTO staff, is referred to herein as Document Mishandling Incident # 32.

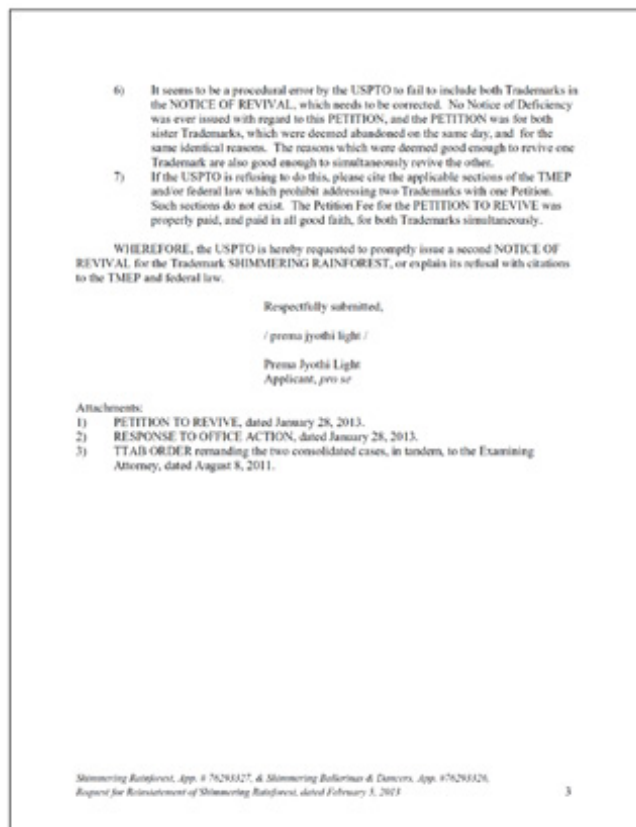
**Incident #33.**

The third set of these mangled documents presented in this MOTION is the TTAB ORDER dated 08-

**Image # 39 - Request for Reinstatement, Page 3,**  
**filed 02-05-13, TSDR Document # 078,**  
**“Converted PDF pages” made unreadable**  
**by USPTO staff, pages chopped in half**  
**vertically, sides swapped.**



**Image # 40 - Request for Reinstatement, Page 3,**  
**02-05-13, TSDR Document # 078,**  
**as filed, was fully readable;**  
**original PDF file link has been re-connected**  
**(was broken by USPTO staff).**



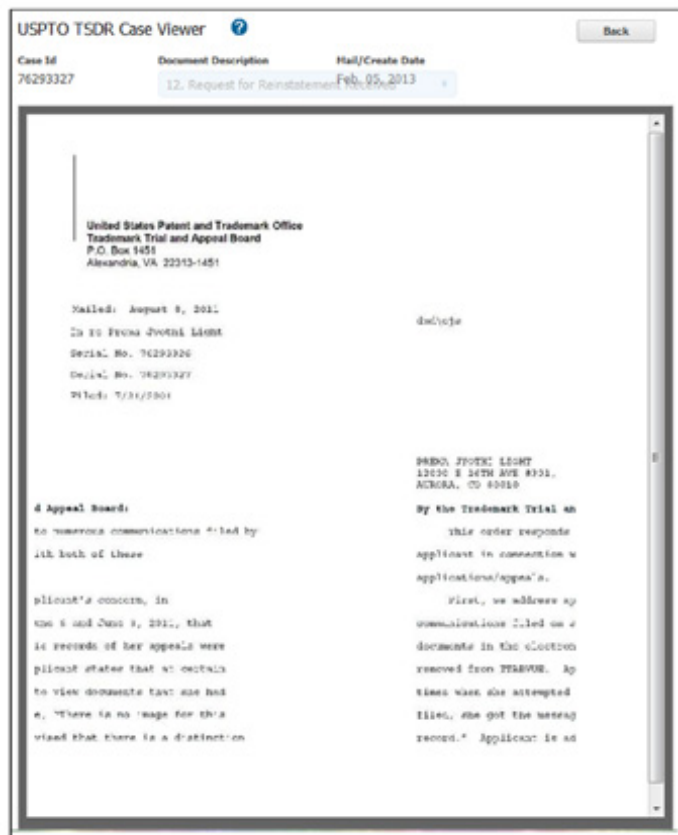
08-11, filed in support of the REQUEST FOR REINSTATEMENT filed 02-05-13, TSDR Document # 078, as shown hereinabove in Images # 39, # 40, # 41, # 42, # 43, # 44, # 45, # 46, # 47 & # 48. The mangled pages, chopped in half vertically, with sides swapped -- and someone had to really work at it, to get the pages this way -- are on the left. The correct, readable pages, as filed, are on the right.

This series of actions, on the part of someone on the USPTO staff, is referred to herein as Document Mishandling Incident # 33.

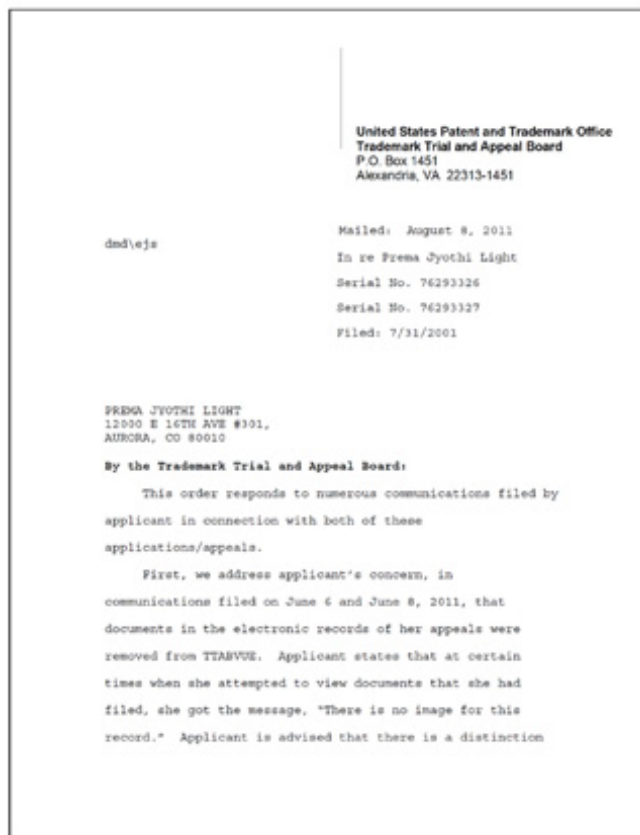
**Incident #34.**

TSDR Document # 079, a second document also titled REQUEST FOR REINSTATEMENT RECEIVED, was changed after Applicant Light started writing letters to highly placed people in the USPTO about

**Image # 41 - TTAB Order, dated 08-08-11, Page 1, filed with Request for Reinstatement on 02-05-13, in TSDR Document # 078, as “Converted PDF pages”, made unreadable by USPTO staff.**



**Image # 42 - TTAB Order, dated 08-08-11, Page 1, from pdf filed with Request for Reinstatement on 02-05-13, TSDR Document # 078, was fully readable; “original PDF” file link (broken by USPTO staff) has been re-connected.**



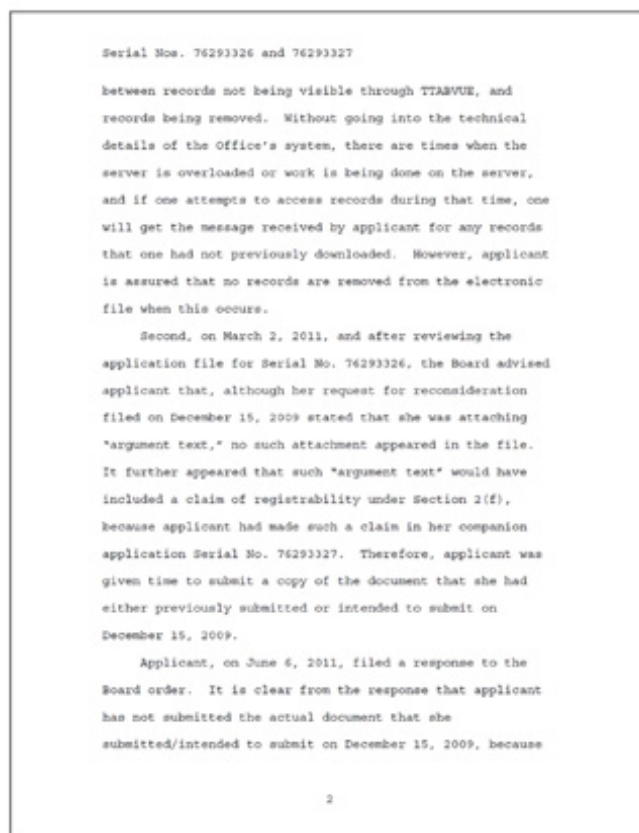
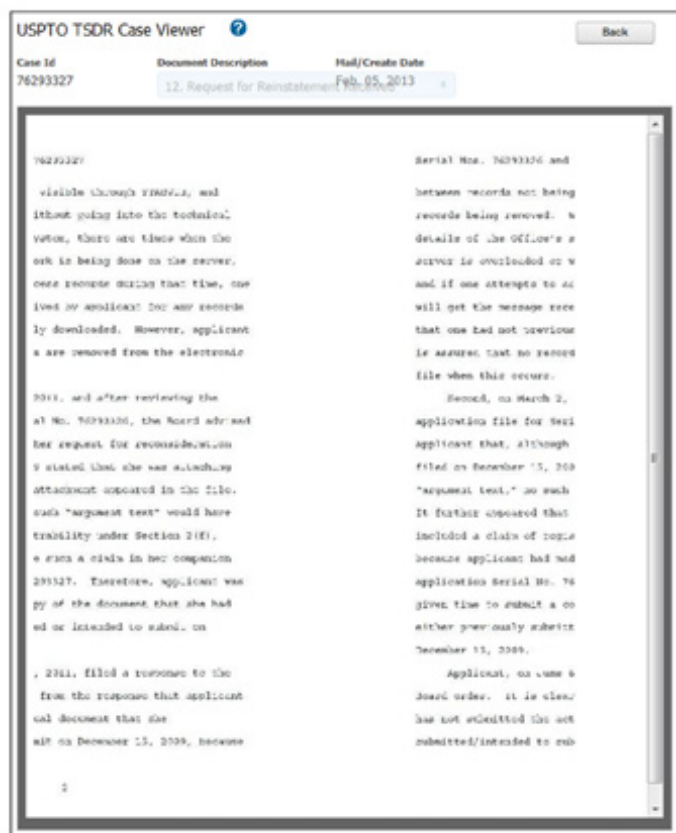
the mishandling of her documents. Previously, it was mislabeled, as although it was titled REQUEST FOR REINSTATEMENT RECEIVED, it just contained a copy of the NOTICE OF DEFICIENCY.

It has now been changed, and Applicant's REQUEST FOR REINSTATEMENT is now there, with links to the original pdf which work, and converted pages which have been corrected to readable. Applicant is glad to see this, but the mangled documents with the same title remain on the record as TSDR Document # 078.

Applicant's concern is that later the “corrected” document will be removed, leaving the worse one. If you fix it – why not take the worse one away. But, the corrections do show that the equipment has the ability to “convert” pdf pages in a readable way, if the people operating the equipment decide to use it for this. Therefore, this should be consistently done, instead of mangling document pages into unreadability.

**Image # 43 - TTAB Order, dated 08-08-11, Page 2,**  
**filed with Request for Reinstatement**  
**on 02-05-13, in TSDR Document # 078,**  
**as “Converted PDF pages”,**  
**made unreadable by USPTO staff.**

**Image # 44 - TTAB Order, dated 08-08-11, Page 2,**  
**from pdf filed with Request for Reinstatement**  
**on 02-05-13, TSDR Document # 078,**  
**was fully readable; “original PDF” file link**  
**(broken by USPTO staff) has been re-connected.**



(Note: Applicant submitted a REQUEST FOR REINSTATEMENT, to ask that her PETITION TO REVIVE be applied to SHIMMERING RAINFOREST, as well as SHIMMERING BALLERINAS & DANCERS. This is because REQUEST FOR REINSTATEMENT was the only category Applicant Light could find, to protest being double-charged two Petition Fees for one Petition, without paying yet ANOTHER Petition Fee!)

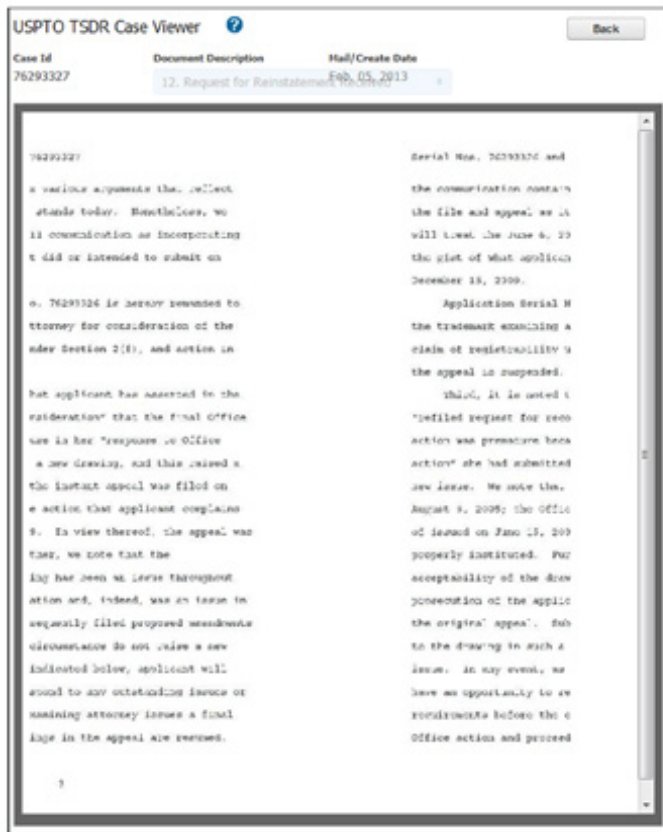
### **Incident # 35.**

The way USPTO staff members uploaded TSDR Document # 082, dated 02-07-13, Applicant's "Response to Petition to Revive Deficiency Letter", is another distressing example of USPTO staff ditching or mal-affecting attachments that were perfectly and successfully attached.

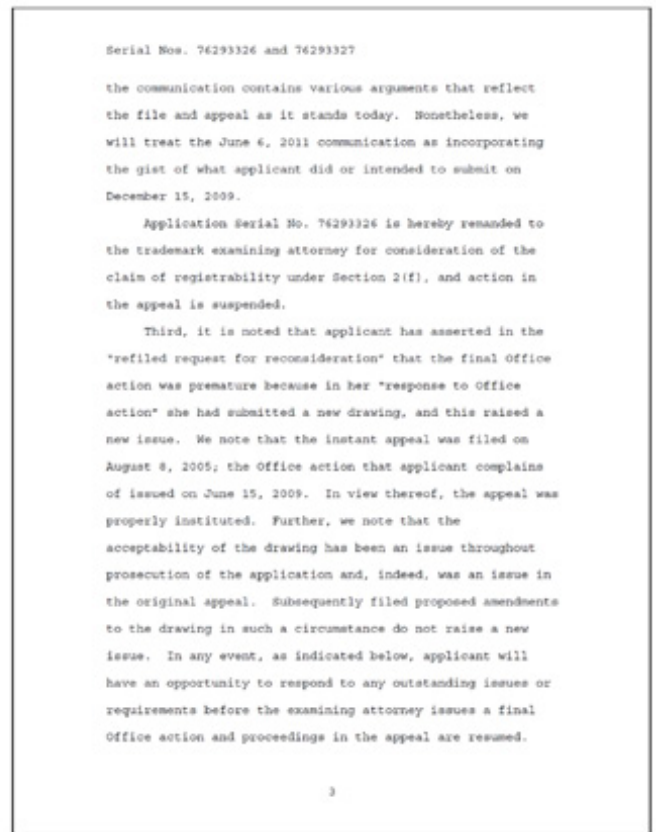
Seven (7) jpgs were attached in support of this document, but none of the supporting jpgs are visible or



**Image # 45 - TTAB Order, dated 08-08-11, Page 3,  
filed with Request for Reinstatement  
on 02-05-13, in TSDR Document # 078,  
as “Converted PDF pages”,  
made unreadable by USPTO staff.**



**Image # 46 - TTAB Order, dated 08-08-11, Page 3,  
from pdf filed with Request for Reinstatement  
on 02-05-13, TSDR Document # 078,  
was fully readable; “original PDF” file link  
(broken by USPTO staff) has been re-connected.**

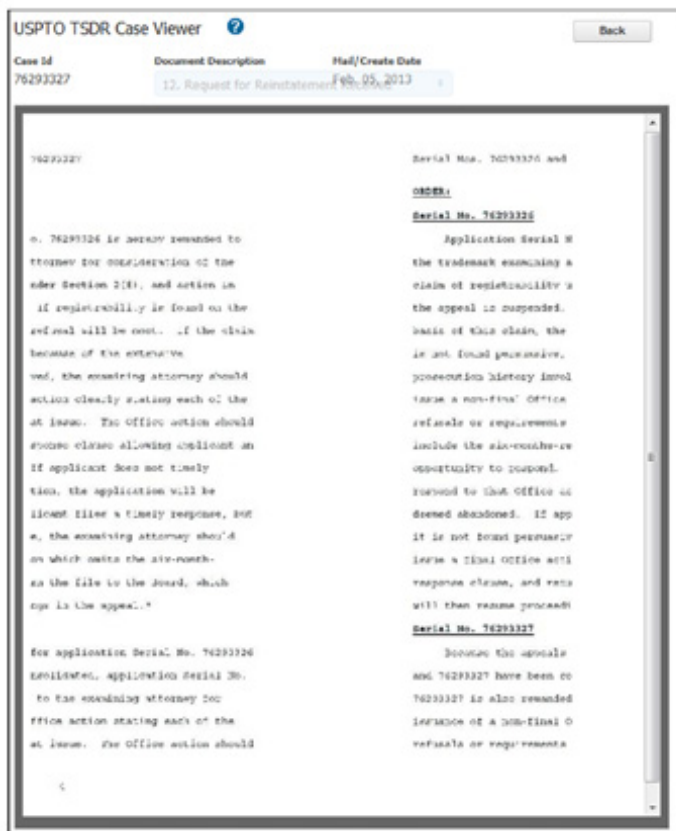


clickable. The jpgs were sent and received, but the clickable links have all been broken. If a Judge or other person wished to view this document with all of its attachments, this would not be possible.

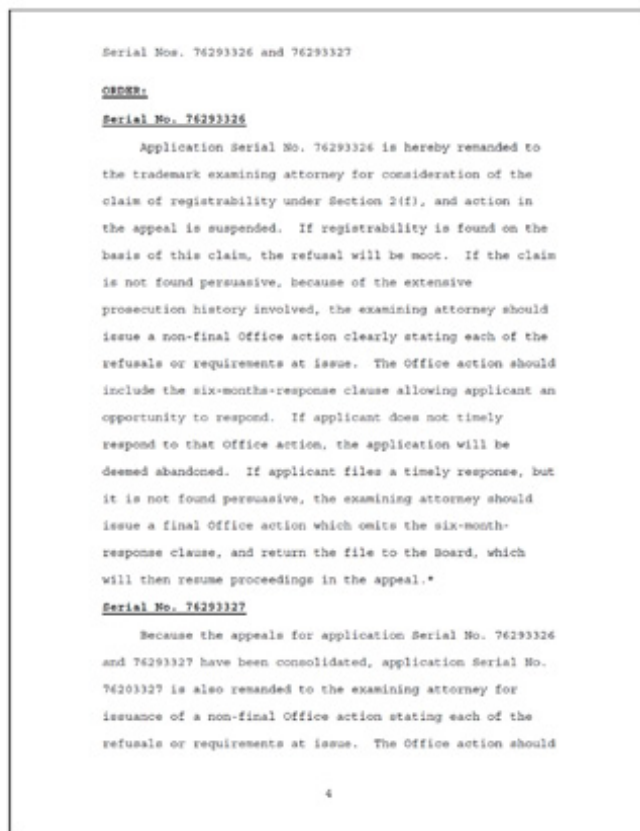
### **Incident # 36.**

The color Drawing page requested for this Trademark was never posted separately and should have been (the color version of SHIMMERING BALLERINAS & DANCERS, shown above, was posted separately in TSDR Document # 080 for that Trademark). (Please see Images # 49 & 50.) This correction to the Record for SHIMMERING RAINFOREST is hereby requested. It is currently buried in TSDR Document # 074, the RESPONSE TO OFFICE ACTION dated 11-26-12, and in TSDR Document # 077, the Petition to Revive Application dated 01-28-13, which had the full ROA attached. This change is requested in the interests of clarity, and find-ability of key case documents which are on the Record.

**Image # 47 - TTAB Order, dated 08-08-11, Page 4,  
filed with Request for Reinstatement  
on 02-05-13, in TSDR Document # 078,  
as “Converted PDF pages”,  
made unreadable by USPTO staff.**



**Image # 48 - TTAB Order, dated 08-08-11, Page 4,  
from pdf filed with Request for Reinstatement  
on 02-05-13, TSDR Document # 078,  
was fully readable; “original PDF” file link  
(broken by USPTO staff) has been re-connected.**



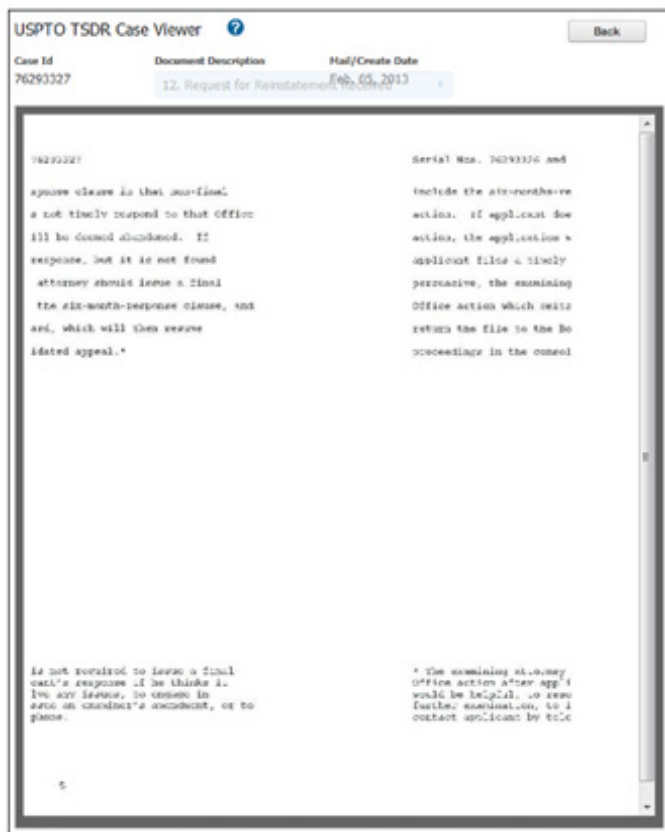
### **Incident # 37.**

TSDR Document # 085, titled “Response to Petition to Revive Deficiency Letter”, dated 03-04-13, contained a full-color Specimen in support of the RESPONSE TO OFFICE ACTION (see Image # 51 hereinbelow). This Specimen is not separately listed, but it should be, because it is a Specimen. Instead, it is buried within the RESPONSE TO NOTICE OF DEFICIENCY, and could be easily overlooked by the Judges, who might find it helpful to review it.

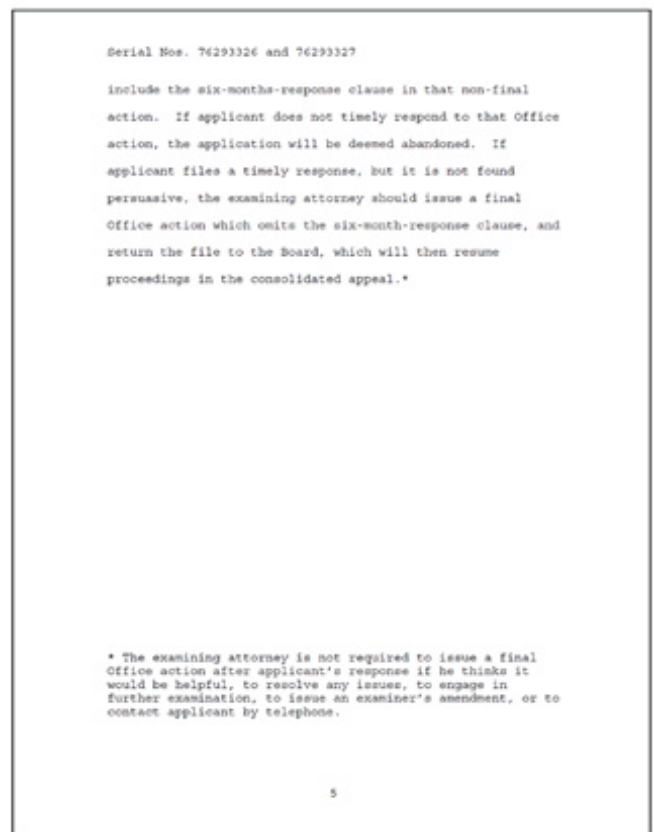
The original pdf file is listed, on the computer-generated cover page for TSDR Document # 085, as: “04 SHRF Specimen 02 Vanavasitos Ser# 76293327 201324105726172.pdf”, a title generated by the system. This could easily be overlooked by anyone glancing over the page.



**Image # 49 - TTAB Order, dated 08-08-11, Page 5,  
filed with Request for Reinstatement  
on 02-05-13, in TSDR Document # 078,  
as “Converted PDF pages”,  
made unreadable by USPTO staff.**



**Image # 50 - TTAB Order, dated 08-08-11, Page 5,  
from pdf filed with Request for Reinstatement  
on 02-05-13, TSDR Document # 078,  
was fully readable; “original PDF” file link  
(broken by USPTO staff) has been re-connected.**



Actually, this is a full-color, 4-page leaflet Specimen, titled “Meet The Vanavasitos, The Very Special Shimmering Rainforest Elephants.”

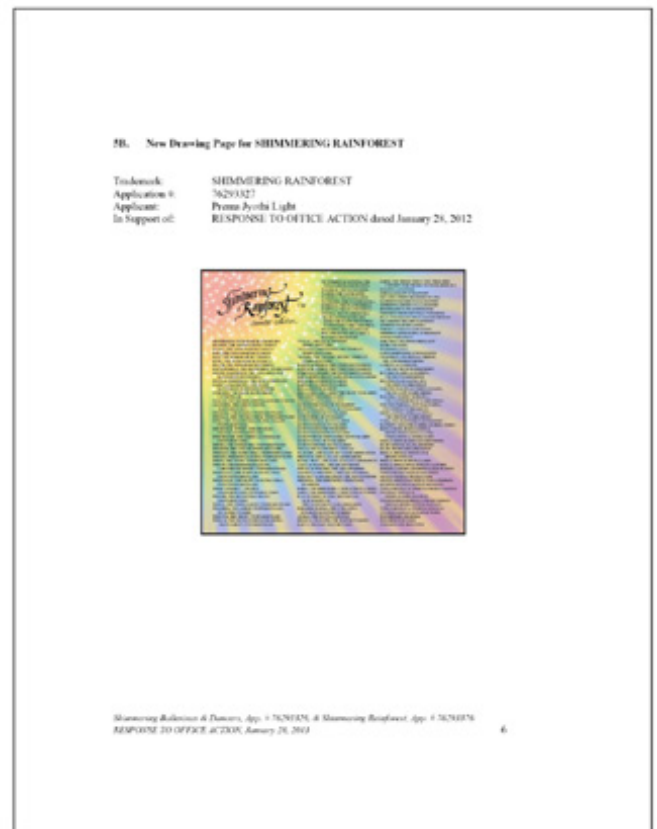
Applicant sent this Specimen in at the same time, just to be timely and prompt in getting the Specimen filed in support of the RESPONSE TO OFFICE ACTION, which had been derailed by being deemed abandoned, when it came in a few minutes past midnight on the deadline day for the document. So, she waited till the Petition to Revive was successful, so that the needed Specimen would not get “lost” in a paperwork shuffle between the Petitions Office and the Examining Attorney’s Office.

Then, instead, it seemingly got “lost” by being buried in the Records without a clear and separate title in the Record. So, please take this Specimen out, and give it a TSDR Document number and title of its own, like “Specimen”. (And please note, this is NOT a printer’s proof. Applicant Light presented the Specimen in

**Image # 51 - New Drawing Page for SHIMMERING BALLERINAS & DANCERS, separately listed as TSDR Document # 080, dated 01-28-13, for that Trademark, where it can be easily found.**



**Image # 52 - New Drawing Page for SHIMMERING RAINFOREST, from ROA, filed 01-28-13, should also have a separately-listed Document in TSDR, so it can be easily found, instead of buried and hard to find.**



this format in order to show the relationship of the pages to one another, while keeping all the pages together, so that harmful USPTO employees would have a harder time “dropping off” chunks of this Specimen, as they had distressingly done in the past, with Applicant’s other Specimens, as described hereinabove.

### **Incident # 38.**

For this “Vanavasitos” Specimen, in TSDR Document # 085, the link to the original pdf is another broken link; it is not clickable; it just gives an error message, and does not result in the original pdf. So all that is viewable is the blurry, over-exposed, badly done (again) upload of the original pdf. This therefore listed as Document Mishandling Incident #38.

**Image # 53 - “MEET THE VANAVASITOS, THE VERY SPECIAL SHIMMERING RAINFOREST ELEPHANTS” Specimen, in support of Response to Office Action filed 01-28-13, in its original form, not the blurrier, over-exposed version in TSDR Document # 085.**



**Incident # 39.**

In a related Incident, the “converted pdf file” for the “Vanavasitos” Specimen (which has the title \\TI-CRS\EXPORT16\IMAGEOUT16\762\933\76293327\XML13\RTP0037.JPG) was uploaded into the system so

that even the large (18 point) text was made blurry and unreadable; please compare this upload with the Image # 51 above. The Judges should be able to read the Specimens, especially the back pages with the Trademarks on them, to see how the Trademarks are being used.

**Incident # 40.**

The incomplete Design Codes entered by the Examining Attorneys, as addressed in Applicant Light's APPEAL BRIEF and REPLY BRIEF, have affected Design Code searches by the public for over TWELVE YEARS. Applicant's original Trademarks, both SHIMMERING BALLERINAS & DANCERS and SHIMMERING RAINFOREST, were done in flag designs, which is how Applicant Light has long referred to them, in her documents filed with the USPTO.

Yet, the single Design Code assigned to each of these two Trademarks, by the Examining Attorneys, is "plain, single-line rectangle". However, this is a Special Form Trademark, not a standard character Trademark. Applicant Light is a graphic designer, and the contents of the rectangles have been artfully designed.

The only Design Code ever assigned to these Trademarks, by the Examining Attorneys, simply pertains to the outer bounding box, a light rule around the Trademarks, not the contents of those bounding boxes.

The currently assigned, and only, Design Code would only be correct and comprehensive, IF THE TRADEMARKS WERE EMPTY BOXES. And, they are not.

The two Trademarks are DIFFERENT TRADEMARKS, separately filed, and not the same. Yet, the same single Design Code has been assigned to each. This would only be accurate IF THE TWO TRADEMARKS WERE THE SAME, AS WELL AS BEING EMPTY BOXES. They are different Trademarks, and one Design Code does not cover both of them, because it does not cover the contents of the outer bounding boxes.

The Examining Attorney has refused to correct this, and yet complains that new Design Codes might be necessary if Applicant Light registers her Trademark in color, and that this is therefore a good reason to refuse to allow her to register the color versions of her black-and-white Trademark. This is despite the fact that TMEP § 807.14(e)(i), states: "If a mark is initially depicted in a black-&-white special form drawing in which no color

is claimed, the drawing is presumed to contemplate the use of the mark in any color, **without limitation**.” [Emphasis added.]

The USPTO is refusing to allow Applicant Light to register the color version of her Trademarks, because they say that background colors might cause new searches to have to be made. But, new Design Codes are needed anyway, even for the black-and-white versions of the Trademarks.

All the USPTO needs to do is “update the design codes”, which is easily allowable under the TMEP. This is a simple matter.

This mishandling of the Design Codes problem is herein listed as Document Mishandling Incident # 40.

**Incident # 41.**

The listing of verbal elements for this Trademark, as shown in the STATUS page for the Trademark, as affecting searches, as typed by someone on the USPTO staff, and as described in the RESPONSE TO OFFICE ACTION, dated 01-28-13, contained TWENTY-THREE (23) typographical errors made by USPTO staff, which Applicant caught as of the date of that brief. This is listed herein as Document Mishandling Incident #41.

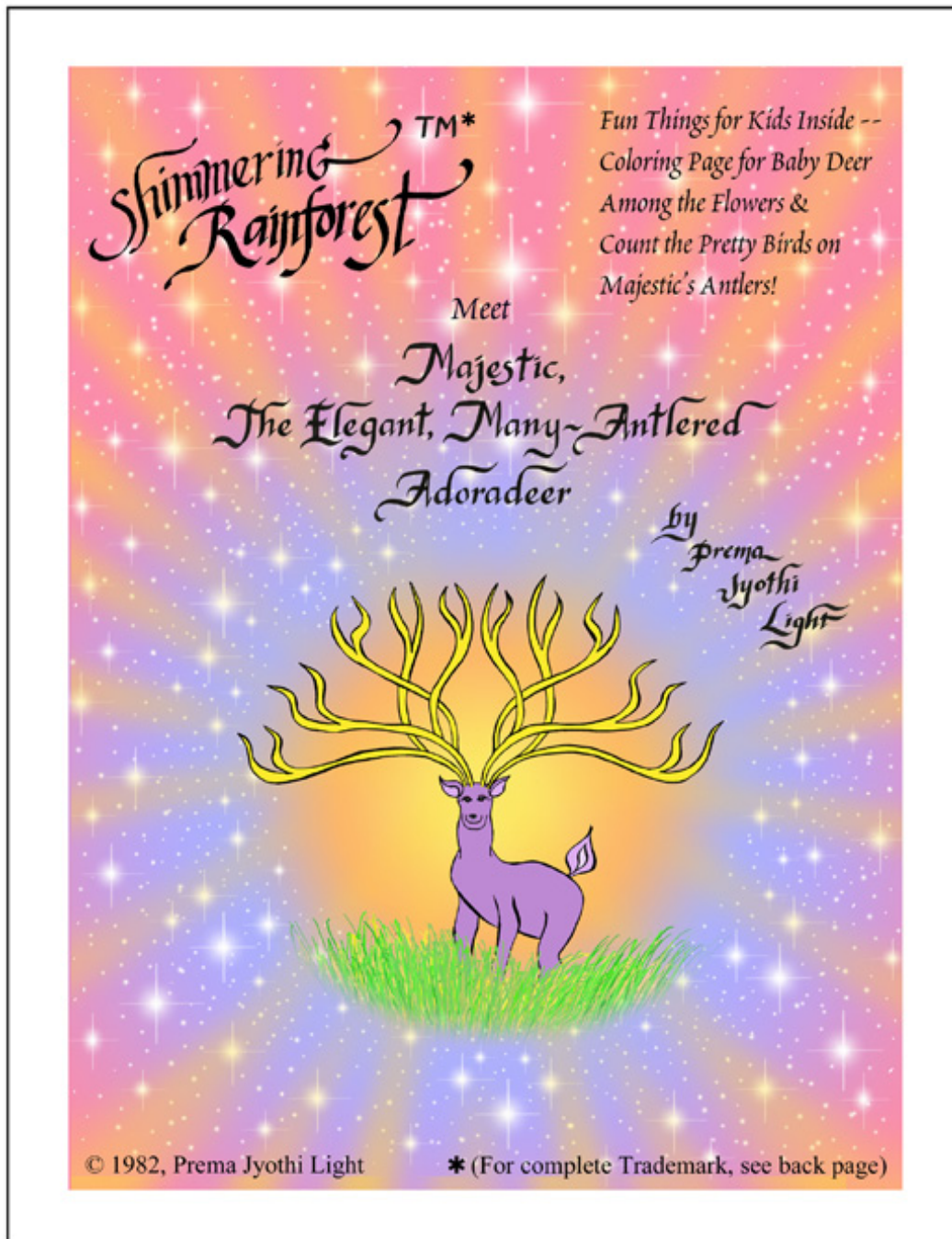
**Incident # 42.**

As of the date of Applicant’s APPEAL BRIEF, filed 06-04-13, there were TEN (10) more corrections needed to be requested for this Trademark, of typographical errors by USPTO staff, in the listing of literal elements for SHIMMERING RAINFOREST. Of these, eight were older errors made by the USPTO, but newly caught. Two were NEW errors, one of which involved seven words (newly typing one line twice). (Whether a typographical error involving seven words is one error or seven errors, depends on the parameters for the tallies, but for that tally, Applicant deemed this to be one error.)

These, plus previously caught errors, brought the total typographical errors made by USPTO staff in the listing of verbal elements for this Trademark to THIRTY-THREE (33). And this was just to bring the listing of literal elements into conformance with the Trademark Drawing as originally filed. The ten additional errors made is listed herein altogether as Document Mishandling Incident # 42.



**Image # 54, “MEET MAJESTIC,  
THE ELEGANT, MANY-ANTLERED ADORADEER”,  
Cover Page, Specimen, also Exhibit N to  
Applicant’s APPEAL BRIEF, filed 06-04-13.**



**Incident # 43.**

One of the NEW errors made in the listing of literal errors needs to be highlighted here, and this was in the fanciful term, which when correct, is “ROYAL “ROY” THE BABY ELEGANT ADORADEER”.



There had been several errors, on the part of USPTO staff, in typing this fanciful term before, so corrections had been previously requested. This had been previously mutilated, by someone on the USPTO staff, to “ROY, THE BABY ELEGANT ADORABEDEET”.

Examining Attorney Lavache’s response, to Applicant Light’s request for corrections, including the above corrections for ROY, of typographical errors made by USPTO staff in typing up the literal elements from the original Trademarks, in her Final Office Action dated 03-09-13, on page 4, was:

“The examining attorney thanks the applicant for bringing these typographical errors to the Office’s attention. The examining attorney has made corrections pursuant to the list of “USPTO Typographical Errors” supplied by applicant, after comparing applicant’s proposed corrections with the literal elements shown in the original mark drawing.”

However, the entry for ROY was changed to: “ROYAL “ROY” THE BABY ELEPHANT ADORADEER”, another unfortunate error, not yet corrected. Applicant Light pointed this out in her APPEAL BRIEF to the TTAB, clarifying the fact that a “DEER” is not an “ELEPHANT”, and filing EXHIBIT N, featuring the artistic illustration for ROY’s father, “MAJESTIC, THE ELEGANT, MANY-ANTLERED ADORADEER” (see Image # 54). Image # 053). The correct word here is “ELEGANT”, not “ELEPHANT”.

“ROYAL “ROY” THE BABY ELEGANT ADORADEER” is a popular character in Ms. Light’s story-books. The repeated mistyping of this fanciful term is hereby highlighted and listed herein as Document Mis-handling Incident # 43.

#### **Incident # 44.**

As of the date of this MOTION, there are FOUR MORE TYPOGRAPHICAL ERRORS, in the listing of literal elements for this Trademark, made by USPTO staff members SINCE APPLICANT’S APPEAL BRIEF was filed with the TTAB on 06-04-13, which need to be corrected, as follows (listed herein as Incident # 43):

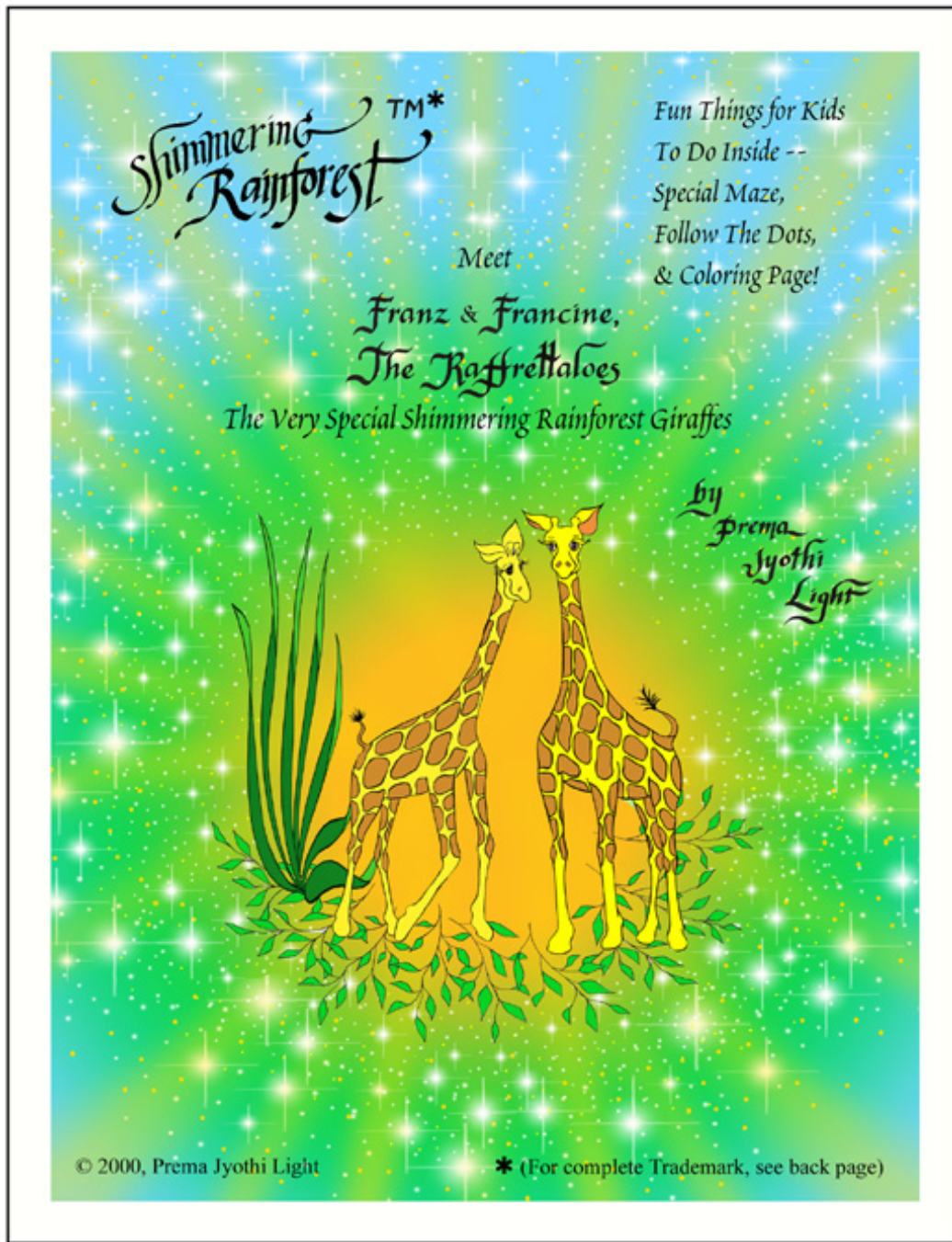
1) “JALISA THE WINDHARP BUTTERFLY” is a newly-made error; this should be:

“JALISA THE WIND-HARP BUTTERFLY” (a hyphen has been removed).

2 & 3) “FRANZ & FRANCINE THE RAFNZ & FRANCINE THE RAFFRETTALOES” is an entry with newly-added typographical errors. (These are highlighted in Incident # 45 hereinbelow.)

- 4) An extra listing of “-YOO-HOO-TOOS” has been added at the very end of the verbal listings for the Trademark. This was not there before, and has been added since the APPEAL BRIEF was filed. This addition is preceded by a hyphen, and is a repeat of part of the phrase preceding it.

**Image # 55, “MEET FRANZ & FRANCINE, THE VERY SPECIAL SHIMMERING RAINFOREST GIRAFFES”, Cover Page, Specimen, also Exhibit L to Applicant’s APPEAL BRIEF, filed 06-04-13.**



#### **Incident # 45.**

One of the NEW errors made by the USPTO in the listing of literal errors, made even AFTER Applicant's APPEAL BRIEF was filed, needs to be highlighted here, and this was mistyping of the fanciful term, which when correct, is: "FRANZ & FRANCINE THE RAFFRETTALOES". Instead, someone has newly changed this to: "FRANZ & FRANCINE THE RAFNZ & FRANCINE THE RAFFRETTALOES". There had been errors in typing this fanciful term before, with corrections previously requested. This time, in making new errors in the above listing, someone on the USPTO staff added in the word "RAFNZ", and as another pair of errors, repeated "& FRANCINE" twice.

This was previously mistyped as "FRANZ & FRANCINE THE RAFFERTTALOES". In Applicant's RESPONSE TO OFFICE ACTION dated 01-28-13, she had specifically requested that the USPTO typographical error be corrected. Although Examining Attorney Lavache said she corrected the previous errors, in her FINAL OFFICE ACTION", TSDR Document # 088, dated 03-08-13, Applicant found these new errors had been made, even AFTER Applicant's APPEAL BRIEF with EXHIBITS was filed. EXHIBIT L to this APPEAL BRIEF illustrated these specific characters in full color (see also Image # 55 in this MOTION). The title of this Specimen in this EXHIBIT was: "Meet Franz & Francine, The Raffrettaloes, The Very Special Shimmering Rainforest Giraffes". The correct spelling was certainly clearly there. The repeated mistyping of this fanciful term is hereby highlighted and listed herein as Document Mishandling Incident # 45.

#### **Incident # 46.**

There are six USPTO errors made earlier, by USPTO staff, in the listing of verbal elements for this Trademark, for which corrections were earlier requested but which have still not yet been made, as of the date of this MOTION:

- 1) "ROYAL "ROY" THE BABY ELEPHANT ADORADEER", which needs correction to "ELEGANT" instead of "ELEPHANT".
- 2) "DAFFA-DILLY-DOO FELLAROO", a verbal element in the original Trademark, was omitted,

which was completely left out of the listing of literal elements, typed by USPTO staff from the original Trademark. The correction, of adding this fanciful term back in was requested in the Applicant's APPEAL BRIEF, but has still not yet been made.

- 3) "LISTENTOMORE BUNNYRABBIT" should be "LISTENMORE BUNNYRABBIT";

This correction was requested in Applicant's APPEAL BRIEF, but has still not yet been made.

- 4) LISTEN TOTTHIS BUNNYRABBIT should be "LISTENTOTTHIS BUNNYRABBIT".

(No space between "LISTEN" and "TO".) This correction was requested in Applicant's APPEAL BRIEF, but has not yet been made.

- 5) "LISTEN TOMETOO BUNNYRABBIT" should be LISTENTOMETOO BUNNYRABBIT".

(No space between "LISTEN" and "TO".) This correction was requested in Applicant's APPEAL BRIEF, but has still not yet been made.

- 6) "HA-HA-HO-HO-HOOHOO-HOOS" should be "HA-HA-HO-HO-HOO-HOO-HOOS".

This correction was requested in Applicant's RESPONSE TO OFFICE ACTION dated 01-28-13, but has still not yet been made.

The fact that there are several previously-requested, but still completely uncorrected, typographical errors in this Trademark is listed herein as Document Mishandling Incident # 46.

#### **Incident # 47.**

What is a typographical error? It is of value here to tally the errors of the USPTO staff, in their typing up the listing of literal elements from the original the Trademarks, in the following categories. This scorecard is really a summary. The purpose is not to enlarge the total number of errors, but to show the categories in which they fall, and the kinds of errors which have been made. For accuracy, the errors are listed, as well as tallied. Some errors fall in more than one of the following ten categories.

- (1) One-letter typographical errors -- one letter added, deleted, or mistakenly typed:
- (2) Two-letter typographical errors -- two letters added, deleted, or mistakenly typed;

- (3) Three-letter typographical errors -- three letters added, deleted, or mistakenly typed;
- (4) One-word typographical errors;
- (5) Multiple-word typographical errors;
- (6) Punctuation errors;
- (7) Spacing errors;
- (8) Leaving out an entire entry, multiple-word fanciful term, or group of words;
- (9) Adding in an entire entry, multiple-word fanciful term, or group of words;
- (10) Mistakenly typing the same entry, multiple-word fanciful term, or group of words, twice.

Now, let us look at the USPTO staff members' typographical errors, in the above-mentioned categories, in the SHIMMERING RAINFOREST Trademark, and then catch the final tallies so far:

- (1) One-letter typographical errors:
  - (001) APPOLLO BRILLIANT [should be APOLLO, NOT APPOLLO];
  - (002) HA-HA-HO-H0-HOOHOO-HOOS [combination error, but among other things, "H0" is a one-letter error, as it is typed with a zero instead of an "O",];
  - (003) TWIZZLES-TIZZLES [should be TWIZZLE-TIZZLES];
  - (004) TWIZZLES-ZIZZLES [should be TWIZZLE-ZIZZLES];
  - (005) RIZZLE-ROOS-LOOS [should be RIZZLE-ROO-LOOS];
  - (006) FAITH THE THERE-WHEN-YOUNEED-HER UNICORN WHO SHINES WITH HIGH DEALS [among other things, "DEALS" instead of "IDEALS" was a one-letter error];
  - (007) ROYAL "ROY" THE BABY ELEPGANT ADORABEDEET [among other things, "ELEPGANT" was a one-letter error];
- (2) Two-letter typographical errors:
  - (001) TWOON THE MONILIGHT-LOVING "ASK FOR THE MOON" TWIPPADOTTAMO [should be MOONLIGHT-LOVING, not MONILIGHT-LOVING];



- (002) RAINY SPARKLE THE RANIFOREST SPARKLEFLY [should be RAINFOREST, not RANIFOREST, 2 letters juxtaposed];
- (003) GILLESPIE THE GREEN FLYING RANIFOREST BUG [should be RAINFOREST, not RANIFOREST, 2 letters juxtaposed];
- (004) TWINKALOIW THE JOYFUL DANCING CORAL TWIN TWIPPADOTTAMO [should be TWINKALOU, not TWINKALOIW];
- (005) FRANZ & FRANCINE THE RAFFERTTALOES [should be RAFFRETTALOES, not RAFFERTTALOES, 2 letters juxtaposed];
- (006) RANIBOW MIST THE ZABBRA-DABBRA ZEBRA [should be RAINBOW, not RANIBOW, 2 letters juxtaposed];
- (007) LISTENTOMORE BUNNYRABBIT [should be: LISTENMORE BUNNYRABBIT, 2 letters were wrongly added in];
- (3) Three-letter typographical errors:
- (001) SAINTLY & SMOOTHLY THE SQUAFOOS [should be SQUAFFAHOOS, not SQUAFOOS; among other things, a three-letter error];
- (002) ROYAL “ROY” THE BABY ELEPGANT ADORABEDEET [among other things, “ADORABEDEET” is a three-letter error];
- (4) One-word typographical errors:
- (001 - 002) ROYAL “ROY” THE BABY ELEPGANT ADORABEDEET, was, among other things, an error in TWO words. “ADORABEDEET” is a a very altered word, not just a single typo, and a much different word than “ADORADEER”, which is in the Trademark in three (3) places.
- (003) In “ROYAL “ROY” THE BABY ELEPHANT ADORADEER”, the word ELEPHANT was, among other things, an error in ONE word;
- (004) SAINTLY & SMOOTHLY THE SQUAFOOS should be SQUAFFAHOOS,

not SQUAFOOS. This was, among other things, a ONE-word error. Note that the fanciful term “SQUAFFAHOOS” occurs four (4) times in this Trademark.

(005) In FAITH THE THERE-WHEN-YOUNEED-HER UNICORN WHO SHINES WITH HIGH DEALS, the typographical error of DEALS instead of IDEALS is an error of ONE word;

(006-009) FRANZ & FRANCINE THE RAFNZ & FRANCINE THE RAFFRETTALOES [should be FRANZ & FRANCINE THE RAFFRETTALOES] is, among other things, an error in FOUR words.

(010 - 011) ROYAL “ROY” THE BABY ELEPGANT ADORABEDEET is, among other things, an error in TWO words;

(012) The new error of ROYAL “ROY” THE BABY ELEPHANT ADORADEER was, among other things, an error in ONE word;

(013-015) -YOO-HOO-TOOS This is, among other things, an error in THREE words.

(016-019) The DAFFA-DILLY-DOO FELLAROO leave-out was an error of FOUR words;

(020-023) THE YOGI PREMA FAMILY [this was, among other things, an error in FOUR words, as something added in to this Trademark by USPTO staff;

(5) Multiple-word typographical errors:

(001) FRANZ & FRANCINE THE RAFNZ & FRANCINE THE RAFFRETTALOES [should be FRANZ & FRANCINE THE RAFFRETTALOES is, among other things a multiple-word error;

(002) ROYAL “ROY” THE BABY ELEPGANT ADORABEDEET is, among other things, a multiple-word error;

(003) DAFFA-DILLY-DOO FELLAROO was entirely left out, and this is, among other things, a multiple-word error;

(004) THE YOGI PREMA FAMILY was, among other things, a multiple-word add-in error, on the part of USPTO staff;

(005) -YOO-HOO-TOOS, unnecessarily added at the end of the Trademark, is, among other things, a multiple-word error, preceded by a hyphen.

(006) “KWIZZLE-KOO-LOO-DOOS & KWIZZLE-KWOOS”, an unnecessary repetition of a line, is, among other things, a multiple-word error.

(6) Punctuation errors:

(001) BAFFADILLY-DOO FELLAROO [should have been: BAFFA-DILLY-DOO FELLAROO];

(002) SKYLIGHT LILYLEELO-LOU [should have been SKYLIGHT LILY-LEELO-LOU];

(003) TWOW THE “WOW” TWIPPADOTTAMO [should be “WOW!” not “WOW”, need to add the exclamation point];

(004) GIZZLEGOOS [should be GIZZLE-GOOS];

(005) HA-HA-HO-H0-HOOHOO-HOOS [should be HA-HA-HO-H0-HOO-HOO-HOOS  
[HOOHOO should be “HOO-HOO”];

(006) FAITH THE THERE-WHEN-YOUNEED-HER UNICORN WHO SHINES WITH HIGH  
DEALS [punctuation error is: should be YOU-NEED, not YOUNEED, so that the phrase is  
THERE-WHEN-YOU-NEED-HER];

(007) HIZZLELOOS [should be HIZZLE-LOOS];

(008) KWIZZLEKWOOS [should be KWIZZLE-KWOOS];

(009) FIZZLE-DIZZLE-KIZZLE-KOOLLOOS [should be FIZZLE-DIZZLE-KIZZLE-KOO-LOOS];

(010) WOO-HOOHA-HO-HOOS [should be WOO-HOO-HA-HO-HOOS];

(011) LASHANA & LASHANO THE SKY BLUE WARBLEROOS [should be  
SKY-BLUE WARBLEROOS];

(012) MIZZLE MOOS [should be MIZZLE-MOOS];

(013) TWIZZLE-DIZZLE-HIZZLE-FIZZLE-GIZZLE MIZZLE-BIZZLE-ZIZZLES [should be:  
TWIZZLE-DIZZLE-HIZZLE-FIZZLE-GIZZLE-MIZZLE-BIZZLE-ZIZZLES (Hyphen needed

between “GIZZLE” and “MIZZLE”);

(014) JALISA THE WINDHARP BUTTERFLY [should be JALISA THE WIND-HARP BUTTERFLY; this new error was made AFTER Applicant’s APPEAL BRIEF was filed];

(7) Spacing errors:

(001) In LISTEN TOTTHIS BUNNYRABBIT, it should be LISTENTOTTHIS BUNNYRABBIT (no space between “LISTEN” and “TO”);

(002) In LISTEN TOMETOO BUNNYRABBIT”, it should be LISTENTOMETOO BUNNYRABBIT (no space between “LISTEN” and “TOMETOO”);

(003) In FAITH THE THERE-WHEN-YOUNEED-HER UNICORN WHO SHINES WITH HIGH DEALS, the spacing error was: YOUNEED was run together.

(004) In BAFFADILLY-DOO FELLAROO, the spacing error was: BAFFADILLY was run together;

(005) In SKYLIGHT LILYLEELO-LOU, the spacing error was: LILYLEELO was run together;

(006) In GIZZLEGOOS, the spacing error was: GIZZLEGOOS was run together;

(007) In HA-HA-HO-H0-HOOHOO-HOOS, the spacing error wa: HOOHOO was run together.

(008) In HIZZLELOOS, the spacing error was: HIZZLELOOS was run together;

(009) In KWIZZLEKWOOS, the spacing error was: KWIZZLEKWOOS was run together;

(010) In FIZZLE-DIZZLE-KIZZLE-KOOLLOOS, the spacing error was: KOOLLOOS was run together;

(011) In WOO-HOOHA-HO-HOOS, the spacing error was: HOOHA was run together;

(012) In JALISA THE WINDHARP BUTTERFLY, the words WINDHARP were run together;

(8) Leaving out an entire entry, such as a character name or group of words:

(001) DAFFA-DILLY-DOO FELLAROO was completely left out, and this set of fanciful terms should be added back in, as it was in the original Trademark;

(9) Adding in an entire entry or group of words;

(001 ) THE YOGI PREMA FAMILY was added in to the Trademark by the USPTO staff. This fanciful

term was in a larger version of the same Trademark, which had not yet been officially filed with the USPTO. Applicant Light never requested that this be added. USPTO staff added it in to this listing without Applicant Light's request for this. Someone on the USPTO staff must have seen, and been familiar with, Applicant Light's other works, and the larger versions of her Trademarks, and added this in. When Applicant Light saw this, she asked that they delete it from this version of the Trademark, which they later did.

(002) -YOO-HOO-TOOS was an unnecessary addition at the end of the Trademark, after the last fanciful term, and should be removed (it is preceded by a hyphen).

(10) Mistakenly typing the same entry, multiple-word fanciful term, or group of words, twice:

(001) KWIZZLE-KOO-LOO-DOOS & KWIZZLE-KWOOS -- entire line was mistakenly typed twice;

(002) -YOO-HOO-TOOS was preceded by a hyphen, and is, among other things, an unnecessary duplication of PART of the line which precedes it.

So, here is the tally of USPTO typographical errors in the literal elements of the SHIMMERING RAINFOREST Trademark, so far, by category:

- (1) One-letter typographical errors -- SEVEN (7);
- (2) Two-letter typographical errors -- SEVEN (7);
- (3) Three-letter typographical errors -- TWO (2);
- (4) One-word typographical errors -- TWENTY-THREE (23);
- (5) Multiple-word typographical errors -- SIX (6) sets of words;
- (6) Punctuation errors -- FOURTEEN (14);
- (7) Spacing errors -- TWELVE (12);
- (8) Leaving out an entire entry, multiple-word fanciful term, or group of words -- ONE (1).
- (9) Adding in an entire entry or group of words -- TWO (2).
- (10) Mistakenly typing the same entry, multiple-word fanciful term, or group of words, twice -- TWO (2).



This tally, a summary by category, of USPTO staff errors in typing up the literal elements for the Trademark, SHIMMERING RAINFOREST, is herein altogether listed as Document Mishandling Incident # 47.

**Incident # 48.**

Since the two Trademarks, SHIMMERING RAINFOREST and SHIMMERING BALLERINAS & DANCERS, are moving in tandem through the APPEAL, it is worthy of interest to note the total number of errors, by category, for the two Trademarks together, as follows. The total tally by category, for both together, is:

1) One-letter typographical errors --

SHIMMERING RAINFOREST: SEVEN (7)

SHIMMERING BALLERINAS: TWELVE (12)                      Total Tally:    NINETEEN (19)

(2) Two-letter typographical errors --

SHIMMERING RAINFOREST: SEVEN (7)

SHIMMERING BALLERINAS: ONE (1)                      Total Tally:    EIGHT (8)

(3) Three-letter typographical errors --

SHIMMERING RAINFOREST: TWO (2)

SHIMMERING BALLERINAS: TWO (2)                      Total Tally:    FOUR (4)

(4) One-word typographical errors --

SHIMMERING RAINFOREST: TWENTY-THREE (23)

SHIMMERING BALLERINAS: TWENTY-TWO (22)                      Total Tally:    FORTY-FIVE (45)

(5) Multiple-word typographical errors --

SHIMMERING RAINFOREST: SIX (6) sets of words

SHIMMERING BALLERINAS: FIVE (5) sets of words;                      Total Tally:    ELEVEN (11)

(6) Punctuation errors --

SHIMMERING RAINFOREST: FOURTEEN (14)

SHIMMERING BALLERINAS: TWO (2)                      Total Tally:    SIXTEEN (16)

(7) Spacing errors --

SHIMMERING RAINFOREST: TWELVE (12)

SHIMMERING BALLERINAS: ONE (1)                      Total Tally:    THIRTEEN (13)

(8) Leaving out an entire entry, character name or group of words --

SHIMMERING RAINFOREST: ONE (1)

SHIMMERING BALLERINAS: TWO (2)                      Total Tally:    THREE (3)

(9) Adding in an entire entry or group of words:

SHIMMERING RAINFOREST: TWO (2)

SHIMMERING BALLERINAS: ONE (1)                      Total Tally:    THREE (3)

(10) Mistakenly typing the same entry, character name, or group of words, twice --

SHIMMERING RAINFOREST: TWO (2)

SHIMMERING BALLERINAS: ONE (1)                      Total Tally:    THREE (3)

This summary of tallies, of USPTO typographical errors in the literal listings, by category, for both Trademarks together, is herein listed as Document Mishandling Incidents # 48,

**Incident # 49.**

Another tally is a straight keystroke tally, with no duplicates listed. Unlike the categories tallies above, where some errors fall in more than one category, the keystroke tally just counts each keystroke error once. Here is the keystroke error tally for errors made by the USPTO staff in the literal listings for the two Trademarks, without any duplication or counting any error twice:

SHIMMERING RAINFOREST:                      160 keystroke errors

SHIMMERING BALLERINAS & DANCERS:        174 keystroke errors

BOTH TRADEMARKS TOGETHER:                334 keystroke errors

This straight keystroke error tally is listed herein as Document Mishandling Incident # 49.

**Incident # 50.**

USPTO employees have obstinately persisted in deliberately misrepresenting Applicant's verbal elements for this Trademark by throwing them all into a big jumbled paragraph, without distinguishing between the clusters of words which go together, in the listing of literal elements for TSDR Status and TESS searches. In the actual Trademark itself, clusters of fanciful terms are separated, by placing them on separate lines.

To throw all of the verbal elements into one big blob is a deliberately destructive thing to do to the Applicant, to her Trademarks, and to the public. This "blob" appears on the "Status" page for the Trademark, and affects TESS searches done by the public. The current Examining Attorney Lavache REFUSES to set this straight. Therefore, someone in a supervisory capacity should set this straight. The Examining Attorney should not be personally destructive to any Applicant.

Applicant Light does not know Ms. Lavache; she has never met her; she has never even spoken to her over the phone. This is nothing personal on the part of Applicant Light. For unknown reasons, this may be something personal on the part of the Examining Attorney.

Applicant Light is a respectable Applicant, and a respectable citizen of the USA.

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**XII. Conclusions.**

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A total of FIFTY (50) Document Mishandling Incidents are listed in this MOTION FOR CORRECTIONS TO THE RECORD, for the Application for the Trademark, "SHIMMERING RAINFOREST".

In addition, a separate MOTION FOR CORRECTIONS TO THE RECORD is being concurrently filed for the Application for the Trademark, "SHIMMERING BALLERINAS & DANCERS". This describes another FIFTY-TWO (52) Document Mishandling Incidents for that sister Trademark.

The number of listed Document Mishandling Incidents, for both Trademarks together, comes to a total of ONE HUNDRED & TWO (102) Document Mishandling Incidents.

This is a truly huge amount of Document Mishandling, on the part of the USPTO.

This does not include Case Mishandling Incidents, such as an Examining Attorney issuing a Final Office Action, when the TMEP clearly calls for a Non-Final Office Action, in response to New Issues, preventing an Applicant from having the opportunity to make the Record complete before Appeal.

And, this does not include Case Mishandling Incidents, such as a refusal by the TTAB to Remand the case back to the Examining Attorney for a Non-Final Office Action, thereby preventing the Applicant from making the Record complete before Appeal.

This also does not include possible Case Mishandling Incidents, such as the TTAB then disallowing Specimens because they were not placed on the Record before the Appeal, when the Applicant's right to do so was unfairly abrogated, and provisions of the TMEP broken, by not only the Examining Attorney, but possibly by the TTAB itself.

This MOTION is a record of Document Mishandling Incidents for this case, many of them flagrant.

This MOTION is, in its totality, a sad summary of egregious Document Mishandling Incidents, by people working in positions of trust, and breaching that trust, in the United States Patent & Trademark Office.

Yet, it is extremely important for all documents and images to be handled honestly, carefully and ethically, by all employees of the United States Patent & Trademark Office, in accord with all provisions of the TMEP and federal law. This is why this country has a USPTO.

USPTO staff members should not be trying to wreck anyone's Trademark cases for personal reasons of their own, or possibly personal profit, or doing things like passing pdfs of artwork "under the table" to their friends to help them plagiarize interesting artwork which crosses their desks, while wrecking the documentation on the Record for the original artist and writer of the creative works.

Employees of the USPTO also should not allow religious or racial prejudice to cause them to personally harm an Applicant, by mishandling documents or images for Trademark cases. They were hired to facilitate the proper handling of the cases, not to arbitrarily wreck, damage or destroy case documents on personal whim, because of whatever is going on in their own personal lives or minds.

The USPTO staff was not hired to facilitate tossing a sincere, good and honest artist and writer's creative works into the laps of the staff members' personal friends, while trying to wreck the works and careers of the original artists and writers.

Documents submitted to the USPTO should be handled honestly, and conveyed to the Judges exactly as submitted. This does not include arbitrarily altering documents or images in a destructive way, ditching specimens, documents, or attachments, or "breaking" links in online documents so that the originals are not viewable, while making the "converted" document pages unreadable.

USPTO staff members should also not be making deliberate and numerous typographical errors, all over the place, in listing the literal elements of a Trademark, to keep the Trademark from being conveyed honestly to the Judges and to the public.

USPTO staff members made a huge mess of the original Applications, and the refiled Applications, in these two Trademark cases, for the online Records. Why would USPTO staff members breach the trust of their positions in this way? This matter should be of serious concern to the USPTO, the TTAB, and the Court of Appeals Federal Circuit (CAFC), if the cases have to go that far.

The Document Mishandling Incidents listed in this MOTION are not comprehensive, but touch upon some of the worst offenses made by USPTO staff members in these two Trademark cases.

These Document Mishandling Incidents are not Ms. Light's fault. She has been the victim of wrongdoing by persons working in positions of trust, in an esteemed federal agency.

Yet we are living in the United States of America, where our country's ideals are traditionally so much higher than this! One somehow expects more of the United States Patent & Trademark Office.

The Record should be made complete and orderly, before a final ruling is made on the case by the TTAB. As Judges, you need accurate case Documents, for the cases which come before you, not Documents which have been wrongfully or destructively tampered with by your subordinates and other USPTO staff members. The Documents on the Record, for these two cases, have been jumbled, taken out of order, ditched, im-



ages blackened or distorted, but still left on the Record, links to original documents broken, “converted” pages scrambled, and other mistakes made which have caused the Records for these cases to be in a state of disarray.

There has been some question as to whether Applicant Light’s requested typographical corrections to her Trademarks, due to errors made by her typists, should be allowed. Therefore, it is useful to analyze the typographical errors made by USPTO staff, in typing up the literal elements of the same Trademarks. Their errors are far more plenteous, and made in the same categories of errors, yet deemed excusable and correctable.

If literally **hundreds** of keystroke errors made by USPTO staff, in the listing of literal elements for these Trademarks, are deemed to be easily excusable typographical errors which can be simply corrected without any fuss, then why refuse to make the far fewer, simple typographical corrections, to errors accidentally made by Applicant’s typists, which fall in some of the same categories? None of the corrections to typographical errors, made by Applicant’s typists, as requested by Applicant, alter the Overall Commercial Impression of the Trademarks in any way. With all of her requested typographical corrections made, it is easy to see that the Trademark is recognizably the same. Her requested corrections of errors made by her typists should therefore be allowed.

Incredibly, USPTO staff members have gone into the Record, to add more of errors into their listing of literal elements for Applicant’s Trademarks, even AFTER the Applicant’s APPEAL BRIEF, with supporting EXHIBITS, were filed. USPTO staff members have continued to add more mistakes to the listings, without making numerous corrections which were previously, formally requested by the Applicant.

Fair questions to ask: why would a USPTO staff member go into the listing of literal elements in TSDR Status, since the filing of the Applicant’s APPEAL BRIEF and REPLY BRIEF with the TTAB, to make ADDITIONAL errors in the literal listings, **without** even correcting some of the previously-requested corrections? Like, just go in to make more additional errors? This seems really flagrant. Can it be determined, who did this and why?

So, what really is the bottom line, here? The tallies of USPTO errors in the literal listings for these Trademarks, by number, are seriously worthy of note, whether by categories of errors, or by keystroke. But the

REAL bottom line here, is what seems to be the deliberate nature of these errors, and these numerous Incidents of Document Mishandling. There are too many of these, to simply all be inadvertent.

In each of these two Trademarks, a line was ADDED IN to the literal listings by someone at the USPTO, which was not in the original Trademarks (GLORIOUSLY BRIGHT FAITH LOVE & LIGHT, for SHIMMERING BALLERINAS, and THE YOGI PREMA FAMILY for SHIMMERING RAINFOREST). These lines were from larger versions of the Ms. Light's same Trademarks, which have not yet ever been officially filed with the USPTO. Applicant Light has never requested that these lines be added in. Someone on the USPTO staff added them in, without Applicant Light's request for this. Whoever did this must have seen, and been familiar with, Applicant Light's other works, and the larger versions of her Trademarks which are on them, and added these lines in. When Applicant Light saw this, she asked that they delete these lines from the literal listings for these smaller versions of these Trademark, which they later did. But, why would they add lines in like that?

Can you really say that none of this matters? Is this all really a big nothing? These are all USPTO errors which "changed the sound of the words", and affected the TESS searches by the public over the TWELVE-YEAR period during which these cases have been pending.

Then, there is the ditching of attachments and Specimens, the destructive blackening of images, the chopping up of text pages for the Record, and the breaking of links to the original pdfs, all wrongful actions taken by USPTO staff members towards Applicant Light.

These are all USPTO mistakes.

The USPTO wants to refuse to allow Applicant Light to register the color version of her Trademarks, because the background colors might cause new design searches may have to be made. Yet, the single Design Code assigned to each of these two Trademarks, by the Examining Attorneys, is so deplorably deficient that new Design Codes would have to be assigned anyway, for the sake of accuracy, even for the black-and-white versions of the Trademarks.

All the USPTO needs to do is "update the design codes", as the black-&-white drawings allow for the

use of color “without limitation”, under the TMEP. This should be a simple, and usually customary, matter.

The keystroke error tallies, of errors made by USPTO staff in the literal listings for these Trademarks, are truly staggering. Yet, even this kind of tally does not give you the whole picture.

A single-letter typographical error can really tell you quite a lot, such as the “Y” added to the WIN-TERINA entry in SHIMMERING BALLERINAS & DANCERS, which is the Spanish word for “and”. The latino community in her neighborhood has gone on a vendetta against Ms. Light, because they have snatched her latino and latina storybook characters, plagiarizing many of them, and want to keep them. In addition to this theft, they have threatened to harm her if she tries to do any infringement litigation, which -- luckily or unluckily -- she has not yet been able to afford.

Some of the USPTO errors have been in Spanish words, such as -- most recently -- leaving out the entire fanciful term “LUMINOSA DE LUZ”, one of her latina storybook characters, and adding the Spanish word “y” for “and”, along with randomly added words. at the end of the listing of literal elements for SHIMMERING BALLERINAS & DANCERS. It all adds up to racial prejudice, on the part of some USPTO employees, as a motive for wrongdoing. They may be “siding” with the latinos in Aurora who have been victimizing Applicant Light by plagiarizing her creative works.

Religious prejudice may be a factor also. Applicant Light follows a beautiful Guru from India, the very greatly beloved Sri Swami Satchidanandaji Maharaj. He is fantastically beautiful and saintly. Some people don’t understand this. He has Hindu roots, in that he is a Swami, but his thinking, and his teachings, are universal. He sincerely, deeply and faithfully believes in God, and is beautifully altruistic and kind-hearted. His Guru is the wonderfully saintly Sri Swami Sivanandaji Maharaj of Rishikesh, beloved and revered around the world. Following these beautiful Gurus is not at all “Satanism”. And, there is supposed to be freedom of religion in the United States. Employees of the USPTO should not be trying to wreck the Trademarks of an Applicant because she follows awesomely beautiful Gurus from India. Her beautiful Gurus have been advisors to Ambassadors, Presidents, and Prime Ministers. She is blessed to be Sri Swami Satchidanandaji Maharaj’s disciple.

An esteemed federal agency, such as the USPTO, should not be victimizing its citizen Applicants, on the basis of racial prejudice, religious prejudice, or theft of the Applicants' creative works for personal profit or wrongful monetary gain.

Fair and honest treatment should be accorded to all citizens. This is what is expected of the USPTO, by the public. But, this ideal (and the word is "IDEAL", not "DEAL") has not been observed by the USPTO in these Trademark cases. This needs to be corrected, for the sake of truth and justice. We are living in the United States of America. God bless the USA!

Applicant Light apologizes for the delay in filing these MOTIONS, which were mentioned in her REPLY BRIEFS, but this has been a serious undertaking, due to the huge number of serious errors in Document Handling by the USPTO, in these Trademark cases.

The complete PDF of the TRIPLE-SHIMMERING PLAYBOOK Specimen should be included in the Records, both earlier and later, for the sake of completeness and accuracy, as it was unjustly ditched from the earlier Records. When reinstated about three years later, pages were still missing, and chunks of pages were dropped off. Pieces of this PLAYBOOK are fortunately still on the Record, for the simultaneously-filed Applications for the sister Trademarks SHIMMERING BALLERINAS & DANCERS, SHIMMERING RAINFOREST, and SHIMMERING BREEZES. A complete pdf of this Specimen, in accord with all of these Records, is being filed simultaneously with this MOTION, for inclusion in the online Records.

The Supporting PDFs for this MOTION, as listed near the beginning of these MOTIONS, will each have to be sent as a separate filing, rather than attached, so that each has its own Tracking Number and Receipt. This is sadly necessary, because of the egregious Document Mishandling in these cases, which includes ditching documents which were successfully attached to filings.

Is all this the way the USPTO customarily handles the applicants' documents? How about appointing an Ombudsman's Office to handle egregious and flagrant Document Mishandling? It would probably be a busy office, but members of the public need to have some place to go, when they are victimized by wrongdoing on

the part of USPTO employees, where the members of the public are not just brushed off, and unjust errors left unremedied.

Should employees of the USPTO be able to just pick and choose with whom to be honest? Honesty with all, should be a job requirement. To do otherwise is a breach of the public trust.

What does the legal community, of nice, honest judges and attorneys across the nation, think of all this? Please email Applicant Light and let her know! Input or advice from anyone analyzing this case would be welcomed by Applicant Light, with regard to what will probably be the upcoming CAFC Appeal. Surely everyone doesn't think that all this dishonesty is acceptable and easily overlookable, from the United States Patent & Trademark Office.

Applicant Prema Jyothi Light (Prema means Divine Love, and Jyothi means Divine Light) is a writer and illustrator, and one of her specialties, out of a lifelong love for children, is creating colorful, illustrated storybooks for children and their parents, or anyone who is, at least sometimes, a child at heart. Her Trademarks, in use for well over a decade, deserve fair and just consideration, and honest handling from the USPTO and appeal courts.

All of the errors and Document Mishandling, listed herein, should be corrected to the greatest extent possible, at least for the sake of the CAFC Judges, who may be reviewing these Records next. There has been a lot of Document Mishandling, in these two Trademark cases, which needs to be set straight.

Errors made by the USPTO should probably be corrected by the USPTO, while this case is still pending within the USPTO. This is hereby respectfully requested.

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### **XIII. Relief Sought**

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**WHEREFORE**, Applicant hereby requests:

- 1) Thoughtful review by the TTAB Judges of the above Document Mishandling Incidents which have occurred in USPTO handling of the Records for these two Trademark cases;



- 2) Review of the initial handling of the Application, including the paralegal's decision on the filing date for this Trademark, and restoration of the original filing date if possible;
- 3) Inclusion, on the Record, of the Supporting PDFS, as described on Page vii of these MOTIONS;
- 4) Direction by the TTAB Judges for the immediate Correction of all of the Document Mishandling Incidents and mistakes in the Record, which have not yet been corrected, as set forth in these MOTIONS;
- 5) And such other and further relief as this Board deems just and proper.

Dated: September 21, 2013

Respectfully submitted,  
/ Prema Jyothi Light /  
Prema Jyothi Light  
Applicant, *pro se*

premajyothilight@shimmeringly.com  
premajyothilight@love4truth.com